

9. The Final Phase, Morocco (1974-1987): The Unpublished Collection of Al-Fatāwā al-Hilāliyya

9.1. The Final Phase

The period 1974-1987 was the final phase of Al-Hilālī's life in Morocco. Upon his return to his native country, Al-Hilālī had no paid job. His last years were blighted by poverty caused by a lack of income.¹ In one of his letters² addressed to a certain Ḥasan Al-Hilālī, which is preserved among the letters in the unpublished collection of *Al-Fatāwā al-Hilāliyya*, Al-Hilālī writes:³

To my dear brother Mr Al-Hasan Al-Hilālī. Peace and God's Mercy and Blessings be upon you. I received your letter at a time at which I am hampered by sickness, old age and poor eyesight which prevents me from reading and writing. It has been essential for me to earn my living from teaching, because I spent my youth and middle-age fighting colonialism, and I was forced to live in exile. [As a consequence] I forfeited my pension and such is the reward I have for my efforts. Hence I am obliged to work in order to earn my living at the time of old age and rest. Nonetheless, I seek assistance and support from Allāh.⁴

Actually, Al-Hilālī sold the house in which he used to live in the city of Meknes to one of his relatives in order to provide himself with a source of income. When some Moroccan students informed Shaykh ‘Abd al-‘Azīz Ibn Bāz about his plight, the latter was deeply saddened and he turned for help to King Fahd Ibn ‘Abd al-‘Azīz (1921-2005). Subsequently, the Saudi Embassy in Morocco ordered a house to be built for Al-Hilālī. An unnamed student of Ibn Bāz reported that the latter also fixed an amount of money as a pension for Al-Hilālī in recompense for his teaching at the Islamic University in Madina.⁵ However, Al-Hilālī's

¹ My personal conversation with al-Hilālī's grandson ‘Abd al-Ghānī Muhammad Būzakrī, in the city of Meknes, Morocco on 11 Aug 2010.

² Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 239.

³ Al-Hilālī, “Al-Fatāwā Al-Hilāliyya,” (1976), the letter is dated (14 Rajab 1384 AH / 18 November 1964), 76.

⁴ Ibid.

⁵ ‘Alī ibn Šāliḥ al-Gharbī (2012), *Kashf mā janā bihī al-tujār al-fujār ‘alā kutub al-Hilālī al mikhayār*, Meknes:np, 14.

grandson ‘Abd al-Ghanī says that Al-Hilālī did not receive any retirement pension from Saudi Arabia.⁶

Back in Morocco in 1974, again according to his grandson, Al-Hilālī was occupied with *da‘wa*.⁷ He used to answer the letters sent or the questions people put to him, both inside and outside Morocco, by phone. During his lessons, Al-Hilālī continued to use the *Fath al-Majīd* on the *Kitāb al-Tawhīd*, a famous commentary by Muḥammad ibn ‘Abd al-Wahhāb. ‘Abd al-Ghanī Būzagrī added that Al-Hilālī was the first to introduce this book to the general public in Morocco. In fact, it was reprinted between 1974 and 1975 after Al-Hilālī had written to Shaykh Ibn Bāz, who had contacted King Faisal. The latter granted him the money to cover the costs needed to print the book. Three thousand copies were sent to Al-Hilālī, who suggested that these should be distributed for the symbolic price of 5 *Dirhams* a copy, as he realistically believed that a book which was free of charge would never be read.⁸

After he left Saudi Arabia, at the request of Ibn Bāz Al-Hilālī became the head of the *Jam‘iyyat al-Da‘wa wa-al-Irshād*,⁹ a missionary preaching movement in Morocco. Ibn Bāz also supported Al-Hilālī and helped him to move to Casablanca as he was struggling to cope with a host of challenges in Meknes.¹⁰ When Al-Hilālī arrived in Casablanca, he was very elderly. Nevertheless, his advanced age did not prevent him from preaching in many mosques, among them the Grand Mosque in that city.¹¹ One of the goals of his preaching activities was to recruit future Salafī students to study at the Islamic University in Medina. Therefore, he used to write letters of recommendation for people who wanted to study in the Saudi universities. Before writing any such letter, it was his custom to ask the applicant to bring him

⁶ My personal conversation with Al-Hilālī’s grandson ‘Abd al-Ghānī Muhammad Būzagrī, in the city of Meknes, Morocco on 11 Aug 2010.

⁷ See also Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 170.

⁸ Ibid., 174.

⁹ Al-Hilālī (1980), Family Archive, 1-2. See also the article of Muḥammad ibn Sa’d al-Shuway‘ir, a Saudi religious scholar who knew both Al-Hilālī and Ibn Bāz, in which he maintains that Ibn Bāz helped and supported Al-Hilālī in his calling. However, Al-Shuway‘ir is vague about what kind of support this was and the reason behind the relocation from Meknes to Casablanca. See also <http://www.al-jazirah.com/2008/20080321/ar3.htm>, accessed 19-11-2014.

¹⁰ Lauzière (2008), 367.

¹¹ On the mosques in which he preached, See Ḍarīf (1992), 137.

My personal conversation with al-Hilālī’s grandson ‘Abd al-Ghānī Muhammad Būzagrī, in the city of Meknes, Morocco on 11 Aug 2010.

a letter of recommendation from another scholar, and he used to make the applicant swear to worship Allāh sincerely, always abide by the recommendations of Islam and to never shave his beard.¹² Among them was Muḥammad ibn ‘Abd al-Raḥmān Al-Maghrāwī (b. 1948), the founder and head of the pietistic association *Jam ‘iyyat al-Da‘wa ila al-Quran wa-al-Sunna*.

In his doctoral dissertation, Lauzière considers Al-Maghrāwī to have been Al-Hilālī’s successor as leader of the Salafī Movement in Morocco.¹³ Nevertheless, Al-Hilālī’s grandson provided the present researcher with a letter, from Al-Hilālī’s archive, which makes clear that the relationship between the two was not particularly good. In 1980, Al-Hilālī addressed a letter to Shaykh ‘Abd al-Karīm Ṣakhr, who had asked him whether he was preaching on his own or in collaboration with Muḥammad ibn ‘Abd al-Raḥmān Al-Maghrāwī who claimed to be the head of the Preacher Movement in Morocco.¹⁴ In his letter, Al-Hilālī spoke about the history of his preaching mission and his relationship with Al-Maghrāwī who had been in the habit of visiting him at his house when he was teaching at the Islamic University in Saudi Arabia. In this rather critical letter, Al-Hilālī mentions that, when Al-Maghrāwī came back to Morocco after he had completed his BA in Saudi Arabia, he had claimed that he had been appointed head of the *Jam ‘iyyat al-Da‘wa wa-al-Irshād* in Morocco by the Saudi religious authorities. Al-Hilālī goes on to complain that, despite the fact that he had made tremendous efforts to help Al-Maghrāwī to continue his graduate studies in Saudi Arabia, the latter had turned on him and launched a hostile campaign against him. Al-Hilālī also reports that he had intervened to help Al-Maghrāwī receive his suspended salary when the latter had asked his forgiveness. Al-Hilālī said that Al-Maghrāwī had submitted a request to the Central Bureau of the *Jam ‘iyyat al-Da‘wa wa-al-Irshād* in Casablanca asking he be allowed to found a branch in the city of Marrakesh. Al-Hilālī reports that, no sooner had he done this than the new branch in Marrakesh had split from the Central Bureau and founded an independent branch in that city, which was made up of three persons, one of whom was Al-Maghrāwī.¹⁵ In a reaction to the above-mentioned letter, Al-Maghrāwī had this to say about Al-Hilālī:

Shaykh Taqī al-Dīn al-Hilālī was my model for calling [people] to Allāh and for countering heresies and polytheism. I was one of the companions of the *Shaykh* from

¹² Al-Sabfī (1993), 42.

¹³ Lauzière (2008), 360.

¹⁴ Al-Hilālī (1980), Family achieve, 1-2

¹⁵ Ibid.

the end of the 1960s until he came back from Medina in 1974. was in close contact with him during all this period. Nonetheless, I used to disagree with him on many issues, for instance, the *Shaykh*, may Allāh have mercy on him, believed that Western people had not received the message of the Prophet, peace be upon him, therefore he thought that they had a legitimate reason which prevented [us] from referring to them as infidels (...) In fact, the influence of the West on him was clear to behold. In his early life, he used to wear Western clothes, and this clearly shows that he was influenced by them. Be that as it may, in the last period of his life the *Shaykh* had completely changed his way of life since his allegiance to Islam could be seen in every detail of his life. I also held and still hold divergent legal opinions from those he had on many issues, such as covering up a woman's face.¹⁶

It has been noted that the six years (1968-1974) Al-Hilālī spent in Saudi Arabia had not left him unaffected. In this period, Al-Hilālī discussed *tawhīd* in most of his *fatwas*, in which he did his best to highlight the True Path. In 1975, Al-Hilālī published one of his most important works, namely: a Quranic commentary entitled *Sabīl al-Rashād* (The Path to Right-Mindedness), in which he did not comment on each *Ṣura* and each verse of the *Qur'ān*. Instead, he concentrated on the passages relating to *Tawhīd*.¹⁷ In his argument, he commanded misguided Muslims to leave the path of innovation and obey 'Authentic' Islam (*al-Islām al-Ṣaḥīḥ*), or else face being burnt in *Jahannam* (Hell).¹⁸ In the *fatwas* related to '*aqīda*' in *Al-Fatāwā al-Hilāliyya*, just as in *Sabīl al-Rashād*, Al-Hilālī issued many religious warnings and accusations, in which he identified and exposed the numerous opponents of 'Authentic Islam', namely: *al-kuffār* (the unbelievers),¹⁹ *al-mufsidūn*²⁰ (the corrupt), *al-mujrimūn* (the sinners) and *al-mushrikūn*²¹ (the polytheists). This last category includes the people who do not believe in the Day of Judgement, who pretended to be Muslim because they observe the five

¹⁶ My personal conversation with *Shaykh* Dr 'Abd al-Raḥmān al-Maghrawī, in his house in Marrakesh, Morocco, on 8 August, 2012.

¹⁷ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.2, 331

¹⁸ Lauzière (2008), 384-386.

¹⁹ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 135-136, 157-158, 200, 229.

²⁰ *Ibid.*, 230.

²¹ See also Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.2, 234, 267.

pillars of Islam, but were, nevertheless, polytheists, because of their non-obedience to the standards of ‘Authentic’ Islam.²²

One of the matters which most clearly characterized Al-Hilālī and distinguished his doctrine from that of most other Salafis was his conception of monotheism. He developed a new typology of monotheism consisting of four parts, instead of the classical Salafi tripartite sub-division: *Tawḥīd al-Rubūbiyya* (the Oneness of Lordship), *Tawḥīd al-Ulūhiyya* also known as *Tawḥīd al-‘ubudiyya* (the Oneness of Worship) and *Tawḥīd al-Ṣifāt* (the Oneness of Attributes). To these three, Al-Hilālī added *Tawḥīd al-ittibā‘* (Oneness of Observance). In his work, *Sabīl al-rashād*, Al-Hilālī confirms his division of *tawḥīd* into four types namely a) the Oneness of Lordship (*Tawḥīd al-rubūbiyya*), (b) the Oneness of Worship (*Tawḥīd al-ulūhiyya* or *tawḥīd al-‘ubudiyya*), (c) believing in the Divine Names and their Attributes (*Tawḥīd al-asmā’ wa- al-ṣifāt*), and (d) the Oneness of *Tawḥīd al-Ittibā‘* (the Oneness of Observance) .²³ With the *first* type: the Oneness of Lordship, Al Hilālī means that a person must believe strongly in Allāh as the Creator of the Heavens and the Earth and, the movement as well as the stillness they contain. Furthermore, it includes the idea that Allāh is the One Who disposes absolutely over all the creatures by granting them either to life or to death, to being or nothingness through bestowing and withholding, through exalting and abasing whomsoever He wills, He indeed being Allāh, the Lord of mankind. Al Hilālī goes on to mention that whoever believes that somebody else can create something whose weight equals that of an atom, or less, is a disbeliever. With the *second* type: Al Hilālī indicates that a servant of Allāh must not turn away from Him, be it in his worship or in his supplication, in his appeal for help, when he seeks refuge with Him, in his secret fear, in asking people to help him do things that only Allāh can do, in his hope, or in his trust. According to him, one must actually turn to Allāh absolutely within one’s heart, one’s tongue one’s senses and feelings, so as to bring good and repulse evil. With the *third* type: the Oneness of Allāh's Names and Attributes Al-Hilālī, this means that a Muslim should describe his Lord only by using the Attributes God has given Himself in His Book, or the Attributes His Messenger has used to describe Him in his *ḥadīth*. The *fourth* type:²⁴ the Oneness of observance, which means that, in his religion, a Muslim should follow nothing but the Revelation, namely the *Qur’ān* and the *Sunna* of the Prophet and his companions, and the scholars who came after them, because

²² See also Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 157-158, 230.

²³ Al-Hilālī (2006a), Vol.1, 131.

²⁴ Ibid., See also Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.2, 339.

they are transmitters, not lawmakers. Al- Hilālī points out that making laws is specific to Allāh, whereas the mission of his Messenger is to convey Allāh's Message. He stresses that the Prophet's companions and the reliable scholars who succeeded them conveyed His teachings to us. However, nothing is admitted in religion without evidence from either the *Qur'ān* or the *Sunna*: matters which comply with them will be accepted, and those which do not comply with them will be rejected.²⁵

²⁵ Ibid.

9.2. The Unpublished Collection *Al-Fatāwā al-Hilāliyya*

On Thursday 30 September 1976 (6 Shawwāl 1396), Al-Hilālī finished his unpublished collection of *fatwas* entitled *Al-‘Uyūn al-Ḍilāliyya fī Al-Fatāwā al-Hilāliyya* (The Albuminous Water Sources of the *Al-Fatāwā al-Hilāliyya*) which he had commenced sixteen years earlier in 1960. The *Al-Fatāwā Al-Hilāliyya* reflects his thoughts during the last two decades of his life. The afore-mentioned *fatwas* are bundled into two volumes. I have decided to present an overview of the collection of 600 *fatwās*, dealing with their form and content, as well as the kinds of people or institutions who posed the questions to him, and his methodology in issuing *fatwas*.

Some of the *fatwas* were handwritten by some of his scribes, the rest have been typewritten. Some people might ask why Al-Hilālī began recording his *fatwas* in this period and not before. In my opinion, the reason for this decision was the visual problems from which he suffered in the last two decades of his life. By 1975, he had become blind and he was no longer able to read or write. His grandson, ‘Abd al-Ghanī Būzakrī,²⁶ says in the composition of these *fatwas*, he had to be helped by a clerk. In most cases he was helped by one of his students, among them Riḍā Allāh al-Mubārakfūrī and Muḥammad Ibn al-Ṭayyib,²⁷ or a family member like ‘Abd al-Ghanī Būzakrī himself.

The length of the *fatwas* depended on the type of question and the questioner. Some have very long answers, like the *fatwa* entitled *Tārik al-Ṣalāt* (The person who does not perform the prescribed prayers), while others are very brief. The *Hijra*²⁸ date is usually found in the upper left-hand corner of the paper, and the Christian date and name of the questioner are often placed at the top of the paper. At the end of the text is written Al-Hilālī’s name, including his domicile which for the most of the *fatwas* was his home in Meknes in Morocco. Most *fatwas* open with the *basmala* or the *ḥamdala*, meaning that the opening of the *fatwa* generally consists of two or three rhyming lines praising God and or expressing Al-Hilālī’s request for divine guidance in his interpretation of the *fatwa*. Normally, the question includes the name of the *mustaftī* (petitioner) and his address. Usually, Al-Hilālī opened his *fatwa* with

²⁶ Based on my personal conversation with Al-Hilālī’s grandson ‘Abd al-Ghanī Muhammad Būzakrī, in the city of Meknes, Morocco on 11 August 2010.

²⁷ Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 41, 189, 192, 205, 225.

²⁸ Al-Hilālī urged his students to mention the *hijra*, instead of its Christian equivalent date in their letters. See for example. Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 68, 122, 128, 173, 177, 182, 205, 227; Vol.2, 289.

the expression *ilā akhī* ..[To my brother...] followed by the name of the questioner. The questions have been divided into the following forms: (a) *mā qawlukum fī...*²⁹ (What do you say concerning ...) or b:) *bayān al-ḥukm al-shar'ī fī*. (Can you clarify the legal ruling concerning ...?).

At the beginning of some answers, Al-Hilālī offers some words of encouragement for his students informing them that he does not doubt their sincerity and their desire to follow the Prophet and their devotion to their brothers in God.³⁰ He had an aversion to being addressed as *Shaykh* or 'great scholar', but preferred to be called Dr Al-Hilālī, which corresponded to the title he had earned when he graduated from the University of Berlin.³¹ Al-Hilālī's reply usually begins with the word (*al-jawāb*) which means 'the answer'. In some *fatwas* the word *al-jawāb* is followed by the du'a' *wa-bi Allāh al-tawfīq* (Success is granted by God).³² Most of the *fatwas* end with the formula 'and God knows best' (*wa-Allāhu a'lam*) or 'And God the Exalted and most High knows best' (*wa-Allāhu subḥānahu wa-ta'ālā'a'lam*). In a few *fatwas*, this text has been omitted, leaving only the words *wa-s-salām*. Al-Hilālī's signature, appended to the reply, is composed of the word *Al-'Abd al-faqīr*³³ (the poor servant of God) which either precedes or follows the name, and a short prayer '*uḥfiya'anhu or ghufira lahu* (May his sins be forgiven).³⁴

Al-Hilālī did not record his *fatwas* in either a chronological order or a thematic order. An aberration which might be attributed to his blindness. Eighty per cent of the *fatwas* were issued in his place residence in Meknes, and the remaining 20 per cent consist of the questions which were presented to him in his domicile in Saudi Arabia when he was at the University of Medina.³⁵ Seventy *fatwas* in *Al-Fatāwā Al-Hilāliyya* are dedicated to '*aqīda* (the Creed). In

²⁹ The official *fatwas* have another type of questions: *aftūnama'jūrin*, and another type request is *natlubal-jawābjazākumAllāh'Annāwa-'an al-muslimīnkhayran*.

³⁰ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 69, 140, 223.

³¹ On the basis of my personal conversation with Dr Zīn al-'ābidīn Balafriḥ, Casablanca, Morocco on 24 Dec 2011. He stated: 'What most attracted me is the fact that it was the first time I heard people using the title "Doctor" to talk to a religious scholar'. See also Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 43.

³² Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.2, 279.

³³ *Ibid.*, 199; Vol.2, 280.

³⁴ *Ibid.*, 109, 218.

³⁵ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.2, 280-286, 291-295, 297-299, 300-303, 304-306, 310-313, 314, 315-316, 317, 318-319, 320, 321-323, 324-327, 328-332, 333-334.

these *fatwas* he adduces a strict definition of *tawhīd*,³⁶ disputes the validity of the Maliki³⁷ School of Law and condemns Sufism³⁸ and Sufi festivals (*mawāsīm*).³⁹ Another seventy-three *fatwas* have to do with innovations (*bida'*).⁴⁰ Al-Hilālī was convinced that innumerable innovations (*bida'*)⁴¹ had permeated Moroccan society⁴² and this influx had resulted in deviation from 'Authentic' Islam.⁴³ In *fatwas* on '*aqīda*, Al-Hilālī's opinion is that a person had but one religious orientation and that was 'Authentic Islam', this being something which any Muslim must respect, cherish and adhere to. In most of the *fatwas* related to *bida'* (innovations), Al-Hilālī maintains that he who continues to perform heretical acts and adhere to *bida'* is either an ignorant or a hypocrite. In this context, Al-Hilālī refers to the well-known book by Imam Al-Shāṭibī named *Al-I'tiṣām*. Al-Hilālī pointed out that in this book, As-Shāṭibī adduces strong evidence from the *Qur'ān* and the *Sunna* and the consensus of the Muslim scholars on this matter. His purpose for doing so, Al-Hilālī claimed, was that such arguments might readily expose the aberrations of heretics. Al-Hilālī believed that things which both the *Qur'ān* and the *Sunna* do not describe are lawful.⁴⁴

On matters of worship, Al-Hilālī issued thirty *fatwas* on *zakaat*,⁴⁵ five on the pilgrimage,⁴⁶ twenty-eight related to purification⁴⁷ and one hundred and two about prayer.⁴⁸

³⁶ Ibid., 159-160, 200; Vol.2, 304.

³⁷ Ibid.,103-104, 234; Vol.2, 298, 302-303, 308, 337.

³⁸ Ibid., 130-131. 165-166, 212, 217, 230, 238.

³⁹ Ibid., 98-99, 205.

⁴⁰ Ibid.,12-15, 16-17, 31-32, 38-39, 41, 43, 45-46,49, 65-66, 68, 79, 81,89, 108, 114, 121, 134, 141-142, 147, 149, 151, 157 , 161, 167-169, 179,182, 186, 190, 207, 211, 212, 222, Vol.2, 289-291, 329, 336, 259; 155-156, 166, 181, 189, 201, 202, 215-220, 224-228, 247, 263.

⁴¹ See for example Al-Hilālī, "Al-Fatāwā al-Hilālīyya," 1976, Vol.1, 160-161, Vol.2, 269.

⁴² For example aloud reciting the *Qur'ān*, See Ibid., 231.

⁴³ Ibid., 139-140, 165-166, 168, 169, 182, 211, 211, 231; Vol.2, 301, 308, 318-319, 330

⁴⁴ Al-Hilālī (1982), 55-56.

⁴⁵ Ibid., 184, 205, 207, 214, 218; Vol.2, 306, 317, 321.

⁴⁶ Ibid., 194.

⁴⁷ Ibid., 181, 187, 208, 213; Vol.2, 335.

⁴⁸ Ibid., 1,7,9,10,16,20-21, 29,41, 44, 89-91;106-108, 143, 157, 179, 181, 189, 206, 207, 214, 224, 232, 240, Vol.2, 279, 302-303, 304, 308, 329, 330, 337-338, 259, 151, 157; 16, 39, 42-45, 49, 62, 66-67, 80-83, , 106, 101, 111, 114, 131-138, 146, 150-153, 159, 162, 182, 189, 195, 199, 200- 205,215, 217, 225-227, 243-244, 259-261, 271-272.

His opinions on these matters can be described as ultra-orthodox.⁴⁹ In one of the *fatwas*, a very young girl visited him in Meknes and confessed that her sister was an infidel (*kāfira*) because she no longer prayed. Al-Hilālī told the young girl that Islam requires her not to love her sister and should turn her back on her and not help her until she believed in Allāh.⁵⁰ This particular ruling is something which Al-Hilālī repeated in many of his *fatwas*. Al-Hilālī did admit that he had been accused of *tashaddud* (harshness) and *ghuluww* (exaggeration), but he dismissed these criticisms by claiming that truth was on his side. He told his enemies to read what Ibn Kathīr had written about this issue in the fourteenth century, and quoted reports from the Prophet and the Companions to confirm the validity of his views.⁵¹

In many instances, Al-Hilālī simply provided a numbered list of so called primary proofs to be found in Qur’anic passages, which was followed by the commentary of a reliable exegete, *ḥadith*, or other reliable secondary sources.⁵² In other cases, he reproduced entire sections of books written by medieval purist scholars.⁵³ He did this when dealing with the issue of *Hukm tārik al-ṣalāt* (the Islamic ruling about the person who does not perform the prescribed prayers),⁵⁴ which is based on *the Kitāb al-ṣalāt* by Ibn Qayyim al-Jawziyya and in its argumentation also heavily relies on Ibn Hazm.⁵⁵

Al-Hilālī issued seventeen *fatwas* about fasting.⁵⁶ In his view, Ramadan reflected the disunity of Muslims at the present time.⁵⁷ We have noted that the most urgent *fatwas* about fasting were those he issued during the month of Ramadan itself in which he invalidated the official commencement of the fasting month and its official end. Al-Hilālī and his disciples created uproar in Meknes in 1960s and again in the late 1970s when they disputed the beginning of the month of Ramadan.⁵⁸ Al-Hilālī reportedly subscribed to the view held by Ibn

⁴⁹ For example Al-Hilālī issued a *fatwa* preventing women from travelling alone, See Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 192.

⁵⁰ See also *ibid.*, 9; 21, 101-102; 109-111, 152, 179, 186, 189, 192, 207, 208, 223, 227, Vol.2, 333.

⁵¹ Al-Hilālī (2006b), 30-31.

⁵² Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 155-159, 197-198, 226 ; Vol.2, 266-267, 274.

⁵³ *Ibid.*, 89-91, 171, 215.

⁵⁴ *Ibid.*, 9; 21, 101-102; 109-111, 152, 179, 186, 189, 192, 207, 208, 240; Vol.2, 302, 308, 310-312, 321, 333.

⁵⁵ *Ibid.*, 9.

⁵⁶ *Ibid.*, 80, 183, 191, 203, Vol.2, 49, 118, 124, 189, 249, 209, 227; 312.

⁵⁷ Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.2, 158, 208.

⁵⁸ *Ibid.*, Vol.1, 190.

Taymiyya, Ibn Qudāma⁵⁹ and many contemporary purist Salafis.⁶⁰ In his view, Ramadan began immediately after the crescent moon had been sighted by an official representative anywhere in the Islamic world (*waḥdat al-ṣiyām*),⁶¹ but the Moroccan Ministry of Islamic Affairs rejected this interpretation. Traditionally, Ramadan only begins after an official representative has seen the crescent moon with the naked eye anywhere in the kingdom.⁶²

In the field of the *mu'āmalāt*,⁶³ Al-Hilālī issued seventeen *fatwas* on marriage, five on divorce matters and seventeen on matters related to commercial transactions, including *fatwas* pronouncing on usury (*ribā*).⁶⁴ Furthermore, he issued 133 *fatwas* on all kinds of religious beliefs and practices and on various matters in private life. Many problems to do with Muslim minorities were also submitted to Al-Hilālī.⁶⁵

9.2.1. The Kinds of People or Institutions Who Posed Questions

At the beginning of the 1960s and during the last two decades of his life, Al-Hilālī responded to a wide variety of questions. It should be emphasized that these questions were submitted by a wide spectrum of people from different parts of the world. Although the majority were from his native Morocco, some were submitted from Europe,⁶⁶ Iraq,⁶⁷ Algeria,⁶⁸ the Middle East⁶⁹ and India.⁷⁰ The kinds of people or institutions who posed questions to Al-Hilālī can be subdivided into students, supporters and institutions. A treatment of these categories will be followed by a brief comparative analysis of their characteristics.

⁵⁹ Ibid., Vol.12, 314.

⁶⁰ Ibid.

⁶¹ Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 191, 203, 209.

⁶² Ibid., 209.

⁶³ Ibid., 59.

⁶⁴ Ibid., 22-28, 133, 195, 196, 225, Vol.2, 265, 300, 304, 315-316.

⁶⁵ Ibid., 141-142.

⁶⁶ Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 18, 30-31, 36, 167, 188, 259; Vol.2, 5-6, 9, 11-12, 18, 35, 38, 45, 52, 57-59, 62, 69-70, 76, 89, 91, 105, 107, 114, 122, 125, 126, 132-133, 137-138, 143-144, 150, 155, 157-158, 166, 168, 183, 199, 201, 208-209, 220, 225, 230, 234, 236, 254-55. Vol.2, 269-271;

⁶⁷ Ibid., 39; 46-47; 61-63, 103-105, 115-116, 135-136, 153-154, 169-170, 175-176, 194; Vol.2, 272.

⁶⁸ Ibid., 130-131, 222, 230.

⁶⁹ Ibid., Vol.2, 275.

⁷⁰ Ibid., Vol.1, 117-118, 215.

9.2.1.1. *Al-Hilālī's Students In- and Outside Morocco*

One of his most famous students in Morocco was ‘Alī al-Raysūnī (b. 1943),⁷¹ the founder of ‘*Anṣār al-Sunna* (the Supporters of the *Sunna*), the first Islamic movement for preaching ‘Authentic Islam’ in the northern Moroccan city of Shafshāwan after independence.⁷² In one of his *fatwas*, Al-Hilālī encouraged him to propagate Salafism in the villages and the cities and to pursue the elimination of everything which contradicted ‘Authentic Islam’.⁷³ ‘Alī al-Raysūnī recalled that the ‘*Anṣār al-Sunna* organized a conference in Shafshāwan in 1979, the first forum of the public preaching of ‘Authentic Islam’ in Morocco. It was headed by Taqī al-Dīn al-Hilālī, assisted by Muḥammad ibn ‘Abd al-Raḥmān Al-Maghrāwī. Many Islamic scholars and different Islamic institutions from Kuwait, Saudi Arabia and Morocco attended the conference.⁷⁴

In Morocco, Al-Hilālī also received questions from local *imams*.⁷⁵ There was, for instance, a question from a certain ‘Ali Ibn Muḥammad Azrūrḥ from Al-Hilālī’s native village, who did not attend Al-Hilālī’s theological lessons, but had been informed about the lessons given each weekend by Al-Hilālī’s students who studied in Meknes.⁷⁶ This man was curious to find out more about Al-Hilālī’s way of thinking and his religious orientation.⁷⁷ Al-Hilālī replied by saying that his vocation was in compliance with the (*Qur’ān* 12,108) ‘*Say (O Muḥammad): This is my way; I invite unto Allāh (i.e to the oneness of Allāh) with sure knowledge, I and whosoever follows me. And Glorified and Exalted is Allāh. And I am not of*

⁷¹ Ibid., 122-123. For other questions, by the same person see, Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 36-38, 124-125, 126-127, 165-166, 200, 211, 214, 217, 230, 231, 235, 237,

⁷² The name ‘*Anṣār al-Sunna* was suggested by Al-Hilālī himself. ‘Ali al-Raysūnī, confirmed this to the present author during a personal conversation with him, 9 August 2011, in his house in the city of Shafshāwan, Morocco, on 9-8-2011. He said: ‘ Al-Hilālī recommended the creation of the ‘*Anṣār al-Sunna* , because at that time we had remarked upon the large number of innovations which were wide widespread in Morocco and that people had ceased to abide by the rulings of the *Sunna* ’.

⁷³ Ibid., 214.

⁷⁴ My personal conversation with ‘Ali al-Raysūnī, 9 August 2011, in his house in the city of Shafshāwan, Morocco, on 9-8-2011. In spite of a long enquiry, the present author has not been able to lay his hands on any information about this conference and the publication of its content.

⁷⁵ Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 173-174, 183.

⁷⁶ Ibid., 227.

⁷⁷ Ibid., 52.

*the polytheists*⁷⁸ Al-Hilālī said that this verse also applied to him because his *da'wa* consisted of calling people to pure Islam, to monotheism and enjoining them to follow the messenger of Allāh, on the basis of evidence and proof and not on ignorance and imitation. Furthermore, in his opinion, his higher reward would be with Allāh. Al-Hilālī also informed his petitioner that this could be summarized as: by following the Book of Allāh and the *Sunna*, by following what is authentic and proved by the Prophet's *ḥadith*. However, Al-Hilālī asserted the foregoing would only be possible by literally following everything the Messenger had conveyed, by studying the *Qur'ān* and *Sunna*, and avoiding each and every innovation in religion.⁷⁹

Al-Hilālī's former students outside Morocco include journalists, politicians, Islamists and preachers who have all felt that they had benefited from the teaching of their *shaykh*, but did not always share his religious views. Al-Hilālī's attitudes towards these individuals generated very interesting discussions on religion and the concept of 'Authentic Islam'.⁸⁰ A very good example is a certain Maḥmūd Maḥdī al-Iṣṭanbūlī from Iraq.⁸¹ In a letter Al-Hilālī advised him to be kind to his Muslim brothers who followed 'Authentic Islam', and to try to develop relationships with them. Al-Hilālī instructed him that this should take place by forgiving their sins, ignoring their faults and trying to alert them so that they might turn to the right path and, even if they did not, it was important to be aware of not losing their brotherhood.⁸² Al-Hilālī states that in the past, he himself had taken the opposite tack which he had thought to be right, but, after some time he realized that it was the wrong way to handle the situation. Even the Companions of the Messenger of Allāh were not safe from controversy in religious matters.⁸³ In an answer to the same person, Al-Hilālī's reply was very harsh as he adjured the petitioner to avoid writing rubbish. If he did not, he would not receive an answer because he did not want to enter into correspondence in which a message seething with ignorance and abuse would be sent from the West to the East.⁸⁴ Al-Hilālī continued by saying that Authentic Salafism should be innocent of insults and innuendo; instead it should

⁷⁸ Al-Hilālī and Khān (1997),347.

⁷⁹Ibid.

⁸⁰Ibid., 231, 233; Vol.2, 280-288.

⁸¹ Ibid., 61, 103, 167-168, 238.

⁸² Ibid., 170.

⁸³Ibid.

⁸⁴ Ibid., 63.

exemplify good ethics, or the dignity and loyalty and sincerity of brotherhood.⁸⁵ To the same person, he stated that most of the Moroccan cities betrayed signs of innovation, misguidance and polytheism. Furthermore, when the worst had come to the worst, a group of his followers had been put in prison because of their faith.⁸⁶

9.2.1.2. *Al-Hilālī's Petitioners Who Have Championed Salafism Inside and Outside Morocco*

Many of Al-Hilālī's petitioners, women⁸⁷ as well men, have championed Salafism.⁸⁸ They can be found among all layers of Moroccan society. As just mentioned, Al-Hilālī's attitudes towards these individuals generated very interesting discussions on religion and the concept of 'Authentic Islam'.⁸⁹ One of those who supported Al-Hilālī's 'Authentic' Islam was 'Abd al-Guennūn, a very influential figure in post-colonial Morocco. His position on an institutional level allowed him to facilitate Al-Hilālī's propagation and defence of 'Authentic Islam'. The proof of this assertion can be illustrated by the following case. In 1968, Al-Hilālī received questions from some of his students who complained about the situation of their brothers. Al-Hilālī replied to one of this students saying:

...that the reason for writing the above was the incident concerning my student Ibrahim Ibn Ḥammū who visited Khenifra, a city in the Central Atlas located 100 km south of Meknes, as part of his *da'wa* quest in his attempts to purify Islam by preaching the Oneness of God inside the mosques and exhorting the people to eschew the innovations followed by the enemies of 'Authentic' Islam. The villagers had

⁸⁵ Ibid.

⁸⁶ Ibid., 63.

⁸⁷ Ibid., 50, 204; 192,193,228; Vol.2, 275, 298-299, 307, 314.

⁸⁸ Ibid., 209, 214, 229, 230, 233; Vol.2, 298, 300, 339

⁸⁹ Ibid., 231, 233; Vol.2, 280-288

accused this student of causing civil instability which resulted in his incarceration⁹⁰ for more than one year.⁹¹

Al-Hilālī reacted to this appeal by writing a letter to Abdullah Guennūn asking for his assistance. Al-Hilālī wrote:

To my dear brother, the amiable Professor ‘Abd Allāh Guennūn, I am writing to you in order to inform you that [at present] we are witnessing the arrest, the trial and the imprisonment of anyone who encourages people to embrace monotheism and to comply with the teachings of the Messenger of Allāh (Peace be upon him); although the accused eventually might be found not guilty, he will still be arrested and imprisoned Your vigilant devotion to monotheism has made me very happy. In fact, an attack on me is also an attack on you; because our mission is the same...I invoke Allāh to assist us all to hold fast to that which was revealed to His Servant and Messenger.⁹²

It should be stressed that many of the questions were submitted by Salafis or people who had converted to Salafism,⁹³ which can often be deduced from the way Al-Hilālī addresses them. Usually, he begins his *fatwa* with: ‘I have a question from the brothers who were helped by God to follow the Prophet and his sayings and to reject all that is in contravention of the *ḥadith*.’⁹⁴ He also he replied to a certain Ṣadiq al-Khayyātī⁹⁵ by saying:

⁹⁰ Another example, Al-Hilālī’s student , ‘Abd Allah Ibn ‘Abd al-Salām, was put in prison, because of his adhering to Salafism see Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 223.

⁹¹ Ibid., 42. 168, 206. On Al-Hilālī’s complaint to ‘Abd Allah Guennūn, a member of the Moroccan government at that time, about the situation of his students who were being imprisoned. See Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 236.

⁹² Ibid., 236.

⁹³ Ibid., 223.

⁹⁴ Ibid., p. 219.

⁹⁵ Other question by the same person see, Ibid., 209, 214, 229 .

We are much gladdened by the conversion of Shaykh Muḥammad al-Zamzamī⁹⁶ from the state of polytheism and his averment of monotheism by declaring that he will combat against his former group,⁹⁷ therefore we need to help him⁹⁸

In April 1967 Shaykh Muḥammad al-Zamzamī (d.1989) had converted to Salafism through the intervention of Al-Hilālī. He was one of the most prominent personalities among Al-Hilālī's petitioners to champion Salafism in Morocco.⁹⁹ In a *fatwa*, Al-Hilālī replied to him by saying that those who do not permit the Islamic greeting to be used to anyone who wears a suit¹⁰⁰ and shaves his beard¹⁰¹ are infidels and hypocrites.¹⁰² His discourses against immorality, injustice and corruption in the 1970s and 1980s had a huge impact and gained him a considerable following among the followers on the 'Authentic Islam'.

Although many of Al-Hilālī's petitioners have championed Salafism,¹⁰³ they have not always shared his religious views. It is worth noting that on many occasions Al-Hilālī found himself enmeshed in religious controversies arising from the doctrine of 'Authentic Islam'. A petitioner, a certain Muḥammad ibn 'Abd al-Ṣamad al-Khamlishī,¹⁰⁴ for example, had some doubts about Al-Hilālī's claim to adhere to 'Authentic Islam'. Al-Hilālī answered him by saying that accusing him of heresy showed that the petitioner was still insisting on controversy; he would do better to avoid feelings of enmity and innovation.¹⁰⁵ Al-Hilālī continued that the claim that shaving the beard is corruption and great sin, which requires an effective boycott¹⁰⁶ [of Al-Hilālī], will lead to estrangement which is an even greater evil.¹⁰⁷ Nevertheless, Al-Hilālī assured his counterpart that he was happy with his calling to

⁹⁶ Shaykh Zamzamī converted to Salafism In April 1967. On his discussion with Al-Hilālī, See Ibid., 139.140, 232.

⁹⁷ Ibid., 217.

⁹⁸ Ibid.. See also Ibid., 237.

⁹⁹ On al-Zamzamī discussion with Al-Hilālī, See Ibid., 139.140, 232

¹⁰⁰ Ibid., 212,

¹⁰¹ Ibid., 199, 235, 237; Vol.2, 264

¹⁰² Ibid., 55. 163-164.

¹⁰³ Ibid., 209, 214, 229, 230, 233; Vol.2, 298, 300, 339.

¹⁰⁴ Ibid., 220. On the same subject from the same person see, *ibid.*, 234.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., 220, 237. see also Ibid., 55.

¹⁰⁷ Ibid., 220.

‘Authentic Islam’ and his rejection of innovation. Al-Hilālī ended his reply by asking God to reconcile the hearts of preachers advocating the right path.¹⁰⁸

Al-Hilālī also received questions from outside Morocco, namely: from petitioners in Europe who championed Salafism there.¹⁰⁹ One of them was a certain ‘Alī Ibn al-Ḥusain al-Khnifī from France, about whom we do not have any information. He posed Al-Hilālī a question on the 10 September 1976, asking about some people who had built a mosque in France and in doing so had propagated innovations which were supported by their *imam*. The question was whether or not he should pray with them. In his answer Al-Hilālī stated :¹¹⁰

Verily, the imam of the mosque must be a heretic himself. I would advise you not to pray with them in that mosque, and not to linger in their company... In fact, there is in France a group of monotheists who comply with the *Sunna* of the Messenger of Allāh (May Allāh bless him and grant him peace). Herewith you will find enclosed their address so that you might visit them from time to time to renew your faith... All their acts which you have described are noxious heresies. He who commits such acts is cursed, and Allāh will accept from him no prayer, no fasting, no pilgrimage, no alms-giving, no charity and no recitation of the *Qur’ān*. I hope Allāh will let someone guide them to the truth, because their intention is good; but they are ignorant.¹¹¹

9.2.1.3. *The Institutions*

Al-Hilālī also received questions from different institutions in the Middle East and Europe. For instance, he had a question from *Majma’ al-Buḥūth al-Islamiyya bī al-Azhar* (The Islamic Research Academy of Al-Azhar) via ‘Abd Allāh Guennūn, the Secretary-General of the Association of ‘*Ulama* of Morocco, concerning the Islamic ruling about insurance.¹¹² He also

¹⁰⁸ Ibid., 221

¹⁰⁹ About questions from Europe see also Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 18, 30-31, 36, 167, 188, 259; Vol.2, 5-6, 9, 11-12, 18, 35, 38, 45, 52, 57-59, 62, 69-70, 76, 89, 91, 105, 107, 114, 122, 125, 126, 132-133, 137-138, 143-144, 150, 155, 157-158, 166, 168, 183, 199, 201, 208-209, 220, 225, 230, 234, 236, 254-55. Vol.2, 269-271.

¹¹⁰ Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.2, 345.

¹¹¹ Ibid.

¹¹² Ibid., 92-94..

had questions from *Jam 'iyyat al-Iṣlāḥ al-Ijtimā'ī* (The Foundation for Social Reform) in Kuwait on the mixing (*ikhthilāt*) of girls and boys at school.¹¹³ Moreover, he received questions from different non-Islamic Institutions.¹¹⁴ For instance, on 12 March 1965, Dr Haveman, a director of the Department of Architectural Art at the University of Aachen, sent Al-Hilālī a question.¹¹⁵ His reason for contacting Al-Hilālī was that he could not find any Islamic source on the subject of Islam. He had chosen Al-Hilālī especially because of his acquaintance with the situation in Morocco and his knowledge of European countries, He wrote:

Dear and Honoured Al-Hilālī, Verily, our institute is currently studying the conditions of teaching and education in both Morocco and in five other countries on different continents. However, we have faced many serious challenges during our research and many central issues remain unanswered. We believe that religion plays a preponderant role in shaping the way of thinking and the nature of culture in Morocco. Therefore, we would like to know your opinion on the extent to which religion influences primary, secondary and vocational education. It is also of great importance to us also to know the nature of the changes which have taken place in Morocco since 1956.¹¹⁶

Al-Hilālī commenced his answer by stating that it would be scientific and free of all forms of bigotry and bias. Regarding the first question, about religion and education in Morocco, Al-Hilālī said:

Religion has no influence on education, because neither are religious issues taught, nor are prayers said in schools. Some Quranic words might be taught in the primary school, but without teaching their meaning or translating them into practice. Most of the teachers do not observe the prayers, and their appearance does not reflect their Islamic identity. In fact, this situation is not new, it dates from the colonial period; nevertheless it has become more openly manifest since Independence. This situation was wrongly attributed to the French colonizer, but when the country became

¹¹³ Ibid., 275. For more information about this foundation see <http://www.eslah.com>, accessed 19-11-2014.

¹¹⁴ Al-Hilālī, (1976), Vol.1, 92-94; Vol.2, 268-271, 275-278

¹¹⁵ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.2. 268-271

¹¹⁶ Ibid., 268.

independent it became clear that Islam was observed more devoutly under colonization than since Independence. The reason behind this is the fact that the political leaders once pretended to be true believers in order to exploit the [sentiments of the] populace in fighting the colonizer; once they had achieved their goal, they rejected the practical aspects of Islam.¹¹⁷

In answer to the second question, about the degree of change which has taken place in Morocco since 1956, Al-Hilālī stated that the changes which had occurred in Morocco remained limited to the following: 1) the drastic rise in unemployment; 2) the educational diffusion and the growth of the number of the primary and secondary schools, the establishment of two universities and a large number of institutes and high schools. Nevertheless, in Al-Hilālī's opinion, under colonization education was taken more seriously and was better organized than it had been since Independence. 3) After Independence, there had been a great rise in taxes which continued to go up every year. 4) The cost of living continued to increase every year, and this affected all food products. 5) Al-Hilālī said that there was almost a consensus among the Moroccan people that the administration of justice under colonization had been better than it had been since Independence. However, the government had recognized some of these allegations and showed an interest in restoring the situation.¹¹⁸

As a religious scholar and a *mufī* who interacted with both the masses and the elite, Al-Hilālī displayed great skill. This is obvious from the way he interacted with his students, supporters and institutions. He was evidently a pleasant and a friendly man as long as he was not rubbed up the wrong way. However, he did not hesitate to be harsh and destroy the reputation of his opponents when he deemed it necessary.¹¹⁹ Like most purist Salafīs, Al-Hilālī was determined not to change his mind on matters of religion. In other matters, he was far more lenient and ready to co-operate with many of his counterparts, as long as their goal was a shared one. Interestingly, Al-Hilālī was quite diplomatic when he was attacked by people who considered themselves purist Muslims and expressed their doubts about the adherence of Al-Hilālī to 'Authentic' Islam.

¹¹⁷ Ibid., 269.

¹¹⁸ Ibid.

¹¹⁹ Ibid., 230, 238.

9.3. Al-Hilālī's Methodology in *Al-Fatāwa al-Hilālīyya*

Al-Hilālī did not take money for issuing *fatwas*,¹²⁰ because he was convinced that *muftīs* were supposed to issue their *fatwas* free of charge. On the 24 December 1966, a *mustafti*, named Mawlay ‘Abd al-‘Azīz ibn Hāshim attached a postage stamp to the question sent, so that he could use it to send his answer. Al-Hilālī did not agree with this.¹²¹ Moreover, Al-Hilālī, shared the views of Imām Mālik and Ibn al-Qayyim,¹²² who were of the opinion that a *fatwā* should only be issued in response to problems which had actually arisen (*wa-lā yajib al-iftā’ fi –mā lam yaqa’*).¹²³

Al-Hilālī denied the validity of following a particular traditional school of law,¹²⁴ which means that he did not feel himself tied to the Malīkī,¹²⁵ Shafī’ī, Ḥanafī, and Hanbalī or any other school of law.¹²⁶ Therefore, he claimed to rely upon the primary sources namely the *Qur’ān* and *Sunna*. Consequently, his method (*manhaj*) was bound to the *madhhab al-Salaf*.¹²⁷ In the issuing of *fatwas* or legal opinions, Al-Hilālī argued that passing judgement by imitating the opinions of other scholars was prohibited.¹²⁸ In fact, he went so far as to say that abiding by the teachings of one school of jurisprudence was a heresy.¹²⁹ His contention was that anyone who imitated someone other than the Prophet in matters related to religion, without even asking for the evidence of the legal opinions which the former had issued, thinking when he did so that he was infallible, was indeed a polytheist.¹³⁰ To substantiate his claim, Al-Hilālī used the statement of Ibn ‘Abd Al-Barr who, on the basis of his interpretation of the *Qur’ān*, was convinced that imitating people in matters of religion is a reprehensible

¹²⁰ Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 229.

¹²¹ Ibid., 180.

¹²² Ibid.

¹²³ Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.2, 364-366

¹²⁴ Ibid.,105, 233

¹²⁵ In one of his *fatwas*, when he was not able to find an answer to a question from a women named Al-Ḥajja Rkiyya, he was obliged to quote an argument of the *Madhhab Mālik*, See Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 204.

¹²⁶ Ibid.,233.

¹²⁷ Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.2, 328.

¹²⁸ Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 234.

¹²⁹ Ibid.,105.

¹³⁰ Ibid., 5.

act.¹³¹ Al-Hilālī denied the authority of the Islamic schools of law and advised qualified Muslims to adhere to the rules and guidelines specified in the *Qur'ān* and the *Sunna*,¹³² because their interpretation was free of any prejudice.¹³³ Al-Hilālī argued that if any Muslim scholar knew of the existence of a reliable *ḥadīth* but had nevertheless decided to leave it aside in support of some random view, he could be considered an innovator and a sinner (*athīm*).¹³⁴

Al-Hilālī did concede that anybody who could not extract an Islamic rulings directly from the *Qur'ān* and the *Sunna* might follow the opinions of a scholar of his time, without restricting himself to one specific scholar or one specific group. Al-Hilālī maintained that unqualified Muslims should not look at the formative texts and try to interpret the proof and subsequently draw their own imaginative conclusions about Islam without proper training. In order to prevent deviations from the truth, Al-Hilālī recommended anyone who ignored religious science should have the duty of resorting to *taqlīd*.¹³⁵ He reported that all the scholars agreed on the fact the common people should follow the opinions of the scholars. Al-Hilālī likewise reported that Muslim scholars also agreed that common people are not allowed to issue legal opinions.¹³⁶ Moreover, Al-Hilālī believed that the division of Muslims into sects¹³⁷ and confessions was an outright deviation from the Right Path.¹³⁸

Al-Hilālī maintained that *ittibā'*, which literally means 'following' but also stands for following the Prophet and the *salaf*,¹³⁹ is the term used by Al-Salaf al-Ṣāliḥ to refer to *ijtihād*.¹⁴⁰ What Al-Hilālī understood by *ijtihād* is the knowledgeable competence required to recognize the truth [of Islam] and bring it to light. He considered *ijtihād* a form of independent reasoning. He was convinced that this demanded a comprehensive study of the

¹³¹ Ibid., 105.

¹³² Ibid.

¹³² Ibid., 233.

¹³³ Al-Hilālī (1982), 67-68; Al-Hilālī (1977), 87.

¹³⁴ Al-Hilālī (1982), 81-82, 123,. See also Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 105, 165-166. 234.

¹³⁵ Al-Hilālī (al-Tamassuk , 1979), 52-53; Al-Hilālī (1982), 49; See also Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 63, 174.

¹³⁶ Ibid., 183.

¹³⁷ Ibid., 165-166, 230, 238; Vol.2, 286-289; 289, 318-319.

¹³⁸ Ibid., 149-150, where he mentions for example the deviation' of the Shī'a.

¹³⁹ Ibid., 165-166.

¹⁴⁰ Al-Hilālī (2005a), 25.

primary sources, consisting of the *Qur'ān* and the *Sunna*, as well as thorough study of the relevant secondary sources of the Salaf al-Ṣāliḥ, such as the sayings of the Tabi'īn, Ibn Taymiyya,¹⁴¹ Ibn al-Qayyim al-Jawziyya¹⁴² and Muḥammad Ibn 'Abd al-Wahhāb¹⁴³ on certain religious matters, including the assessment of obscure prophetic reports. He repeated the words of Ibn Hajar al-'Asqalānī (d. 1448) to the effect that '... any *ḥadith* which Ibn Taymiyya does not know is not a *ḥadith*.'¹⁴⁴

9.4. A Forerunner of Fiqh al-Aqaliyyāt (Fiqh of Muslim minorities)?

Al-Hilālī's *fatwas* relating to questions posed by Muslim minorities¹⁴⁵ in Western Europe are very interesting sources in the light of the ongoing Islamic discussions on these minorities.¹⁴⁶ Moreover, on a personal level a study of them also enables us to understand the development of Al-Hilālī's thought .

As discussed in Chapter 4, in 1938 during his time in Germany, Al-Hilālī had clearly stated that remaining in Europe was only permitted in Islam *out of necessity*. Later, Al-Hilālī advocated a different, more moderate point of view, in which he challenged the person who pretended that it was not permissible to travel to and reside in non-Islamic countries to provide relevant proof.

Nevertheless, he prohibited a Muslim to apply for the citizenship of non-Muslim countries by stating that: he who holds the nationality of a Muslim country which governs according to the *sharia* and chooses to be naturalized in a country which does not govern according to *sharia* law is indeed sinful. Al-Hilālī was adamant that by applying for citizenship of a non-Muslim country, a Muslim has to declare his loyalty to that non-Muslim country and abide by its laws . However, this naturalization did not make him an infidel.¹⁴⁷ As a matter of fact, in 1953, during a trip to Germany to visit his son, Al-Hilālī had a

¹⁴¹ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.2, 312.

¹⁴² Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 200.; Vol.2, 312.

¹⁴³ Ibid., 139.140, 232.

¹⁴⁴ Ibn Mi'mār (1958), 106.

¹⁴⁵ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 18, 30-31, 36, 167, 188, 259; Vol.2, 5-6, 9, 11-12, 18, 35, 38, 45, 52, 57-59, 62, 69-70, 76, 89, 91, 105, 107, 114, 122, 125, 126, 132-133, 137-138, 143-144, 150, 155, 157-158, 166, 168, 183, 199, 201, 208-209, 220, 225, 230, 234, 236, 254-55.

¹⁴⁶ Al-Hilālī, "Al-Fatāwā al-Hilāliyya," 1976, Vol.1, 175-176, 240; Vol.2, 272-273, 277-278, 320, 321, 326, 337.

¹⁴⁷ Ibid., 167.

disagreement with his son who had taken the German nationality in order to obtain a scholarship. He mentioned that his son, ‘Abd al-Mu’min, had been encouraged by his Germany family to take German nationality. Al-Hilālī stated that he complained about this regulation at the German Foreign Office but without success.

In his *fatwas* from the sixties onwards, he allowed Muslims to *live* in the non-Muslim world.¹⁴⁸ For example, on 29 March 1968 a certain al-‘Arabī al- Sharqāwī, about whom we do not have any further information, put a question to Al-Hilālī concerning travelling to countries in which the majority of its inhabitants does not practise Islam. Al-Hilālī began his answer by saying:

Well, you must know that this is permissible. Likewise, the money which the worker, the merchant or the craftsman might earn while he is living there is lawful; provided that the way he earned it is lawful. He who pretends that it is not permissible to travel to non-Islamic countries should provide relevant proof. In the event he fails to justify his opinion, and surely he will, the following verse would undoubtedly apply to him, in *Sūrat An-Naḥl* (116-117) ‘And say not concerning that which your tongues put forth falsely: This is lawful and this is forbidden,’ so as to invent lies against Allāh. Verily, those who invent lies against Allāh will never prosper. A fleeting brief enjoyment (will be theirs), but they will have to endure a painful torment.¹⁴⁹

Al-Hilālī added that, in fact, the Prophet ordered his Companions to emigrate to Ethiopia whose king was Christian before he had converted to Islam. Furthermore, the Companions of the Prophet were continually travelling to the Levant for trade and commerce. Indeed, this fact is described in (*Qur’ān* 62: 11): ‘And when they see some merchandise or some amusement they disperse headlong to it.’¹⁵⁰ Al-Hilālī did wonder which country in his era was an Islamic nation in which the *Sharia* was applied and which judged by that which Allāh has revealed? Al-Hilālī told the petitioner to go ahead and travel to the West with Allāh's blessing.¹⁵¹

¹⁴⁸ Ibid, 140-141; Vol.2, 322.

¹⁴⁹ (*Qur’ān* 67:15) and (*Qur’ān* 29:20) See Al-Hilālī & Khān (1997).

¹⁵⁰ (*Qur’ān* 62: 11) See Al-Hilālī & Khān (1997).

¹⁵¹ Al-Fatāwā al-Hilāliyya, Vol.2. pp 201, fatwā 145.

On 12 May 1968, in another *fatwa*, a certain Ibn Ibrāhīm Al-Sūsī, about whom we do not have any further information, submitted a question to Al-Hilālī about residing in a non-Muslim country. Al-Hilālī commenced his answer by saying:

You are talking today about *Dār al-Islām* (the House of Islam) and *Dār al-Ḥarb* (the House of War), as if you were living 300 years earlier. You should be aware of what is happening in the era in which you live. However, if Allāh guides you to cling to belief in His Unity and to follow the *Sunna* of his Messenger, and if you can guide your wife to that, then you must know that this is a great blessing which demands that you be thankful because it is very rare in our time.¹⁵²

Al-Hilālī stated that the subject of the *Dār al-Islām* and the *Dār al-Ḥarb* was no longer significant in terms of the position of Muslims who, for one reason or another, happened to live outside the ‘Territory of Islam’.¹⁵³

In order to delineate Al-Hilālī’s view more sharply, I shall compare the view of Al-Hilālī, who had direct personal knowledge of the situation of the Muslims in the West and his close Wahhabi friend Shaykh ‘Abd al-‘Azīz Ibn Bāz,¹⁵⁴ who was a leading cleric in Saudi Arabia for twenty-five years, and from 1993 held the additional rank of minister after King Fahd Ibn ‘Abd al-‘Azīz appointed him Grand *Mufti* of Saudi Arabia. I shall also compare his views with those of the well-known Islamic scholar Muḥammad Ibn Ṣāliḥ al-‘Uthaymīn. Over the years, both Wahhabi scholars issued thousands of *fatwās* to ensure that the kingdom adhered to the traditional Wahhābī interpretation of Islam, which gave and still gives Saudi Arabia its deeply conservative cast.

One of Shaykh ‘Abd al-‘Azīz Ibn Bāz’s *fatwas* concerned a question addressed by a Muslim who was living in Italy, who asked whether it is permissible for a Muslim to settle and reside permanently in a non-Muslim country.¹⁵⁵ In his answer Shaykh Ibn Bāz stated that living in a land in which *shirk* and *kufir* are prevalent, is not permissible, whether Muslims are

¹⁵² Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.1, 140-141. On the same subject from the same person see *Ibid.*, 53.

Al-Hilālī, “Al-Fatāwā al-Hilālīyya,” 1976, Vol.2, 155.

¹⁵³ *Ibid.*

¹⁵⁴ The New-York times [0362-4331] Jehl yr:1999 vol:148 iss:51522, p.25

Shaykh Ibn Bāz was blinded by disease as an adolescent, but little else is known about his early life. Estimates of his birth year vary from 1909 to 1912.

¹⁵⁵ Ibn Bāz, “Majmu’ Fatāwa Shaykh Ibn Bāz”, 1992, Vol.9, 403.

there for work, business, study or some other purpose, because the verse in the *Qur'ān* is quite clear on this matter.¹⁵⁶ Shaykh ‘Abd al-‘Azīz Ibn Bāz also drew attention to several ‘*aqīda*’ principles saying that settling among the *kuffār* is not done by one who knows the real meaning of Islam and faith, meaning that in his opinion one must completely disavow and keep far away from the infidels and their lands. In order to substantiate this view, he quoted a whole series of classical authorities.¹⁵⁷ Shaykh ‘Abd al-‘Azīz Ibn Bāz also distinguished the following four reasons why it is *harām* (not allowed) to travel, settle and reside permanently in a non-Muslim country: a) It is not possible to practise one’s religion openly in a way which signifies that one has discharged one’s duties fully. b) The texts and the clear statements of the scholars indicate that, if a person does not know his religion enough to produce evidence and proof and hence is not able to defend it and ward off the specious arguments of the *kuffār*, it is not permissible for him to travel to their lands. c) One of the conditions of it being permissible to travel to their land is that one should be safe from the *fitnah* of their power, control, specious arguments and attractions, and be safe from imitating them or being influenced by their actions. d) Blocking the means which might lead to *shirk* is one of the most important principles of Islam. Shaykh ‘Abd al-‘Azīz Ibn Bāz asserted that it had been noticed that what happened to Muslims who settle in these lands is the result of their settlement in a land of disbelief. Muslims should therefore be steadfast in adhering to their religion, practising it openly, following its commands, heeding its prohibitions and calling others to it, until they are able to emigrate from the land of *shirk* to a Muslim land.¹⁵⁸

In his turn, Muḥammad Ibn Ṣāliḥ al-‘Uthaymīn, issued a *fatwa*¹⁵⁹ entitled ‘*Mā Ḥukm al-iqāma fī-bilād al-kuffār*’ (Is it permissible for a Muslim to settle and reside permanently in a non-Muslim country?). In the opinion of Ibn Ṣāliḥ al-‘Uthaymīn, there are two basic conditions which must be met before residing in infidel countries: (1) That the person must be secure in his religious commitment, so that he has enough knowledge, faith and willpower to ensure that he will adhere firmly to his religion and be beware of deviating or going astray, and that he maintains an attitude of enmity and hatred towards the infidels and will not befriend them and love them, since befriending them and loving them are attitudes which

¹⁵⁶[al-Nisa’ 4:97-99] .

¹⁵⁷ Ibid.

¹⁵⁸ Ibn Bāz , “Majmu’ Fatāwa Shaykh Ibn Bāz”, 1992, Vol.9, 403.

¹⁵⁹ Al-‘Uthaymīn (2002), 24-26.

contradict faith.¹⁶⁰ (2) That he should be able to practise his religion openly, including observing all the rituals of Islam with no impediment. If he cannot to do this, then it is not permissible to remain there because, should this be the case, it is obligatory to migrate.¹⁶¹

In their article, Van Koningsveld and Shadid add that Shaykh al-‘Uthaymīn¹⁶² also distinguishes six purposes for which Muslims might stay in the Territory of Unbelief: (1) To preach Islam (*da‘wa*), which is a collective duty of Muslims because it is a kind of *jihād*. (2) To study the circumstances of the Infidels in order to warn Muslims against the dangers of being dazzled by them. This is also a kind of *jihād*. (3) To serve as a representative of a Muslim nation. The legal status of this residence must be judged in the light of its purpose. (4) For another specific, permissible purpose, for instance, commerce or medical treatment. (5) For the purpose of study, which is more risky in that it might have a detrimental impact on the faith of the person staying there for this purpose. (6) Intermingling with the infidels by the obligation to strengthen the ranks of the infidels required by citizenship.¹⁶³

Al-Hilālī did not share the viewpoints of the two Saudi scholars quoted on the issues related to Muslims living in the West, although his opinion is closer to that of Al-‘Uthaymīn than to that of Ibn Bāz. There are, nonetheless, significant differences between Al-Hilālī and Al-‘Uthaymīn. Firstly, Al-‘Uthaymīn set some conditions to be met if a Muslim wants to settle in a non-Muslim country. No explicit prohibition is formulated, though it is clear that Shaykh ‘Uthaymīn does not approve of the presence of the last category of Muslims in a non-Muslim country.¹⁶⁴ Al-Hilālī maintained that the residence of Muslims in non-Muslim countries such as those in Europe and America for the purpose of education and employment is not only allowed but must be considered mandatory in many cases.

Secondly, Al-‘Uthaymīn argued that settling in the country of infidels poses a great danger to a Muslim’s religious commitment, morals, behaviour and etiquette. He said:

We and others have seen how many of those who had settled there went astray and came back different people from what they were when they went away. They have come back as miscreants, and some have come back having apostatized from their

¹⁶⁰ Ibid.

¹⁶¹ Al-‘Uthaymīn (2002), 24-26.

¹⁶² On detailed view of Al-‘Uthaymīn, see also Wasif Shadid and Sjoerd van Koningsveld (1996), 84-115.

¹⁶³ Ibid., 93.

¹⁶⁴ Al-‘Uthaymīn (2002), 226.

religion and disbelieving in it and in all other religions – we seek refuge with ‘*Allāh* – denying it completely and mocking the religion and its people, past and present. Hence, one must take measures to guard against this and stipulate conditions which will prevent people from following this path which leads to doom and destruction.¹⁶⁵

However, Al-Hilālī, who had direct knowledge of the situation of the Muslims in the West, clearly indicated that staying in non-Muslim countries such as those in Europe and America is permissible for Muslim. As he saw it, this was surely because in these countries both immigrants and converts were able to implement their religious duties in their daily life. Therefore, they could live in peace without fear of losing their faith. Thirdly, Al-Hilālī maintained that both disbelief and immorality were predominant in all [Islamic] countries, save the Kingdom of Saudi Arabia.¹⁶⁶ Al-Hilālī clearly indicated that in such Christian countries as France, Germany, Great Britain, Belgium and the Netherlands, there were Muslim communities keeping religion pure for Allāh and abiding by the religion of Islam. Al-Hilālī wondered what made the *mustaftī* so worried about the Christian countries:

If you fear disbelief, you should know that it is more common in your own country. If you are worried about the fact that these countries do not judge with that which Allāh has revealed, you should know that the situation is even worse in your own country. If you fear fornication, usury, injustice, drinking alcohol, women adorning themselves and mixing with men, you should know that all this is more common in your own country. In fact, you may practise your faith in such Christian countries as France, Germany, Great Britain, Belgium and the Netherlands if you have the will, more effectively than you are used to doing in your own country. There are actually Muslim communities keeping religion pure for Allāh, who abide by the religion [of Islam].¹⁶⁷

¹⁶⁵ Ibid.

¹⁶⁶ Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1976, Vol.1, 141.

¹⁶⁷ In 1396 A.H (1976), In another *fatwa* on the same subject, a certain Haddou Ibn Hammadi asked Al-Hilālī about Muslims travelling to countries and about working there in order to earn his living. See Al-Hilālī, “Al-Fatāwā al-Hilāliyya,” 1996, Vol.2, 201.

At the end he told the petitioner, if he was given the possibility to obtain a passport, he should go abroad with Allāh's blessings.¹⁶⁸

Reviewing these discussions, it becomes crystal clear that, for Shaykh al-‘Uthaymīn residing in the land of, what he calls, infidels was principally a matter of creed. The aforementioned *fatwa* is therefore logically classified among the *aqīda-fatwas*. This in contrast to Al-Hilālī for whom education and employment in the non-Muslim world weighed more heavily and might even be considered obligatory in some cases. Furthermore, Al-Hilālī stressed that permission to settle in non-Muslim countries was given on the condition of observing the Islamic rituals and preserving the Islamic faith. He also seems to have based his positive opinion on his own experiences in the West. This in contrast to Ibn al-‘Uthaymīn who stressed the negative effect on Muslims returning from the West who had abandoned their faith. Finally, a significant difference between Al-Hilālī and the Wahhabi scholars in general is the fact that the former does not distinguish between Western countries and most countries in which Islam is the dominant religion, whereas the latter do. In the eyes of Al-Hilālī, the only Islamic country in which ‘Authentic Islam’ was implemented was Saudi Arabia which can be considered quite a radical opinion.

¹⁶⁸Ibid..