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A Prelude to Fiqh al-Aqalliyyât: Rashîd Ridâ's Fatwâs to Muslims under non-Muslim Rule

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A Prelude to *Fiqh al-Aqalliyyât*: Rashîd Ridâ's *Fatwâs* to Muslims under non-Muslim Rule - Umar Ryad

Known in Arabic as '*fiqh al-Aqalliyyât*', this jurisprudence was intended particularly to give legal answers on religious matters especially for Muslim minorities living in the Western context, where a so-called Islamic government was not present. This new field of legal deduction concerns itself with the full range of issues that inevitably confront Muslims living in Western countries. Many of these scholars are members of the leading *Wassatiyya* institutions, including the two largest Western-based Sharia councils: the Fiqh Council of North America (FCNA), established in 1988, and the Dublin, Ireland-based European Council for Fatwa and Research (ECFR), which was co-founded in 1997 by the Egyptian Sheikh Yûsuf al-Qaradâwî, who presently serves as its president.¹

Although *fiqh al-Aqalliyyât* is a recent concept, similar attempts that have been made by Muslim scholars can be traced in earlier Muslim literature.² The present article deals with modern *fatwâs* issued by the Syro-Egyptian Sheikh Muhammad Rashîd Ridâ (1865-1935) for Muslims living under non-Muslim rule. Ridâ issued these *fatwâs* in his prominent journal *al-Manâr* (1898-1935), which he published over almost thirty-seven years in the first half of the twentieth century. Islamic journalism experienced its first zenith in Egypt with the publication of Ridâ's journal, as the early leading *salafî* scholar in the Muslim world. From the time of its foundation, *Al-Manâr* became Ridâ's life and in it he published his reflections on the spiritual life, explanation of Islamic doctrine, endless polemics, commentary on the Qur'ân, *fatwâs*, his thoughts on world politics, etc. (Hourani (1983): 226-227).

This article does not argue that Ridâ had formulated these *fatwâs* on the basis of his perception of the minority status of his questioners as such. It rather attempts to examine the ideas of a modern Muslim scholar on the religious grounds for residence, political obligation, and loyalty to a non-Muslim state. It also claims that the spirit of *al-Manâr*'s *fatwâs* in this regard bear specific similarities with the new trend of *fiqh al-Aqalliyyât*, especially in their imprint of the tendency to non-*madhhabîyyâ* and the issues they handled. The *fatwâs* deal with the same issues confronting Muslims as minorities in the West.

Al-Manâr is a good mine for many historical sources in many areas of its time. Khalid Masud described Ridâ as a 'print mufti and scholar'. The complete collection of his *Fatwâs* have been gathered in six volumes in 1970-1971 by Salâh al-Dîn al-Munajjid and Yûsuf al-Khûrî. (Munajjid & Khuri (1970-1971)). Masud (et al) counted the *fatwâs* of *al-Manâr* as totalling 2,592 (Masud et al (1996): 31). The author(s) have probably based their data on adding up all questions embodied in al-Munajjid's collection (who indexed his compilation according to individual questions) without taking into consideration that there are many questioners who sent Ridâ more than

¹ More about this new trend and Muslim minorities, see, for instance, Qaradâwî (2003); Abd al-Qâdir (1997); 'Alawani (2003); Van Koningsveld (2006); Hellyer (2007); Rohe (2003); Lang; DeLorenzo (2000); Beverly (2000); Waardenburg (2000); Skovgaard-Petersen (2004).

² See for instance, Abou El Fadl (1994); Miller (2000); al-Arnaut (1994); Azamatov (1998).

one question in one petition. Ridâ issued his famous series of *Fatwâs* in which he illustrated many of his reflections on a great deal of theological, scholarly, religious, and social issues. Beginning in 1903, firstly under the title 'Questions and Answers' (*Shu'âl wâ Jawâb*), and later '*Fatâwâ al-Manâr*', he responded to a wide variety of queries sent in by many readers. *Al-Manâr* therefore constitutes a remarkable record of the interests and preoccupations of the Muslim world in the early twentieth century (Ibid: 30-31).³

One could venture to say that *al-Manâr* was 'a meeting point for Muslim Minorities' outside the abode of Islam (Dudoignon (2006)). Ridâ's journal can be considered as community-building work, which enabled its author to take a highly prominent position in Muslim intellectual life in the late nineteenth and the early twentieth centuries (Masud et al (1996): 30-31). Ridâ's journal enjoyed wide diffusion in the Muslim world of the time. Since the early establishment of the journal, he managed to gain subscribers in Russia, Tunisia, India, Sudan, Sierra Leone, Bosnia, China, Europe and America.⁴ In a parallel manner, Ridâ succeeded in gathering around his journal a great network, and extended the influence of his religious ideas over the Muslim world from North Africa to Russia and the Far East.⁵ As a Muslim modernist, Ridâ not only has historical importance, but also continues to exercise overt influence on modern Muslim thought.

It can be argued that the newly established *fiqh al-aqalliyyat* is squarely in the utilitarian camp and the tradition of the *salafiyya* movement of Muhammad 'Abduh (d. 1905), and his student Ridâ (Fishman (2006)). More significantly, Sheikh Yûsuf al-Qaradâwî, the leading figure in the movement of this type of *Fiqh*, sometimes depends on the fatwâs of *al-Manâr* in his religious views. He is described as the heir to 'the mission of Abduh and Ridâ in issuing fatwâs to give answers to contemporary questions' (Yasushi (2006): 28). Ridâ called his group 'the balanced (*mu'tadil*) Islamic reform party', while al-Qaradâwî developed the concept of '*wasatiyya* (or middle-way)'. Al-Qaradâwî himself admitted that 'the fatwâs of *al-'Allâmah al-Mujaddid* (great renewer scholar) had become famous [...] the questions and answers did not represent any particular locality, but addressed problems the entire Islamic umma and Muslims in all corners of the earth were facing' (Ibid). Qaradâwî further praised Ridâ's fatwâs in that they treated modern issues on the basis of *ijtihâd* (personal reasoning), were written in the spirit of intellectual independence, with freedom from bonds of sectarianism, imitation, and narrow-minded insistence on a particular view, and carried the spirit of reform and the invitation to a balanced and comprehensive Islam (Ibid).

The Islamic world of Ridâ's time witnessed the era of colonialism. When he issued his fatwâs, he sometimes considered Muslims in their native lands under the colonial statute as living under a non-Muslim rule. In the context of his study on Islamic legal discourse on Muslim minorities, K. Abou El Fadl focused on some of Ridâ's views as reflected in his *fatwâs* concerning Muslims living in a non-Muslim abode, comparing them with other Muslim attitudes over the centuries (Abou El

³ For more studies about Ridâ's fatwâs, see, Ryad (2002); Burhanudin (2005); Skovgaard-Petersen (1997); Cf. Adams (1933); Voll (1996).

⁴ See Ridâ's list of subscribers in his diary, 1903, to be found among Ridâ's family archive in Cairo. My gratitude is due to Mr. Fuad Rida, his grandson, who gave me access to the papers of his grandfather.

⁵ See, for example, Abaza (1998); Azra (1999); Bluhm (1983) & (1997); Ryad (2006).

Fadl (2000): 47-64). Abou El Fadl stressed that the significance of these continuing discussions lies in their direct ramification for American Muslims as well as for the many other Muslim communities living in the West. Ridâ's responses to the challenge of residence in non-Muslim lands, like many of other Muslim jurists, have been 'vibrant, innovative and diverse' (Ibid. 48). Abou El Fadl chooses for discussion three different *fatwâs*. The first one was Ridâ's response to a certain Ottoman jurist who, upon his visit to one of the main mosques in Bosnia, announced that all Muslims must immediately remove themselves and migrate to the abode of Islam, especially after the ceding of Bosnia-Herzegovina to Austro-Hungarian control in 1909. Considering Bosnia as an abode of Islam, Ridâ scathingly accused the jurist of 'ignorance, narrow-mindedness, and of corrupting the religion of Islam' (see below) (Ibid: 48). But when he was later asked (1927) whether Syria and Lebanon under French occupation were to be considered as part of the abode of Islam, Ridâ unequivocally said no (Ibid: 53-54). The third issue was his legal reasoning in the *fatwâ* whether Indian Muslims may be employed in the British-Indian civil service where they would apply non-Muslim laws (Ibid. 55-56).

Studying his *fatwâs* can therefore best serve as a prominent model for understanding how a Muslim religious scholar on the eve of the 20th century tried to adapt Muslim normative sources to give answers to his fellow Muslims living under non-Muslim control. In what follows, I will trace the *fatwâs* delivered by Ridâ as a reaction to relevant queries sent to his journal from various regions. The paper also examines the various experiences of the Muslim communities who thrived in non-Muslim regions. Muslims living in Christian domains or under non-Muslim rule raised practical problems related to their legal status and behaviour in non-Muslim territories. The questions of these *fatwâs* also dealt with many social, religious and economic matters, such as the permission of wearing the dress of the majority, eating their food and marrying their women.

Being a Muslim under non-Muslim Rule

Ridâ did not support the idea that Muslims should migrate from non-Muslim states. Throughout his answers, he sometimes held ambivalent attitudes. His stances were very dependent on the socio-religious and political situation in the territory where Muslims lived. As we shall see, he was ready to encourage Muslims already under non-Muslim control to yield to the laws of these governments, while he would entirely reject that in the case where the Muslim identity was in danger. Any permission or prohibition in abiding by non-Muslim law would consequently affect the form of social interactions between Muslims and others.

Russian and Bosnian Muslims

An important example was his permission for Russian Muslims to partake in the Russo-Japanese War (*al-Manâr*, 10(2) (April 1907): 117-118).⁶ Ridâ neither deemed their participation in this war as sin nor legally prohibited. God might also reward

⁶ The question was raised by a certain Yûsuf Effendi Hindî; for another question, see, vol. 7 (22, January 1905): 857. This is still one of the challenging issues, which is presently facing Muslims in the west. Shadid & Van Koningsveld (1996): 84ff

Muslim victims for their act if they had the good intention of benefiting other Muslims by fighting on the front of their non-Muslim state. The obedience of Muslims to their non-Muslim state in case it was tyrannical and oppressive would diminish its injustice towards his fellow Muslim subjects; and they could easily receive equal rights and privileges of citizenship in case it was a parliamentary state with a just system. As military sciences have also become an integral part of human social life, Muslims in these lands should take part in all social aspects of their communities, and consolidate their status by strengthening their states instead of being humiliated and fragile. For him, Islam never allows its followers to opt for humility and weakness. Ridâ described those who attacked his permission in this regard as 'ignorant' and 'fanatic'. Muslims, in his view, should choose for dignity rather than humility, whatever the source of dignity would be.

Another Muslim in Kazan (Russia) wondered whether the Russians were to be considered pagans or People of the Book. Ridâ pointed out that as Muslim jurists (*fuqahâ*) and traditionalists (*muhaddithûn*) differed about the definition of the Territory of War and the Territory of Islam, the application of the division differed from one place to another. The Territory of Islam could be a land where no Muslim lived, and where they could practice their religion freely. Despite being geographically not under Islamic government, most of American and European lands were for Ridâ Territory of Islam. On the other hand, there were geographical territories ruled by Muslims which were to be considered a territory of war, since Muslims could not practice all their religious aspects. The criterion for this division was freedom and security guaranteed to Muslims to manifest their religion without hindrance. Ridâ stressed that although their Christian religion had been mixed with Pagan doctrines, the Russian people were still People of the Book (*Manâr*, 8 (8) (June 1905): 291).

The same held true for Bosnia, which came under Austro-Hungarian control because of a treaty signed by the Ottoman government in February 1909 (Abou El Fadl (2000): 53). Shortly after that, an Ottoman jurist announced that Muslims ought to migrate to the abode of Islam. Muslims who continued to inhabit there were, in his view, living in sin. All acts of worship and marriages were also invalid (Ibid., p. 48; *al-Manâr* (July 1909), 12 (6): 410-415). Ridâ held the Turkish mufti as mistaken. Migration of Muslims from non-Muslim abodes was not obligatory as long as they were able to manifest their religion. According to Ridâ, the prohibition of the Prophet's wife A'isha of Muslims to migrate to non-Muslim lands was related to the fear of *fitna* (temptation) during the early age of Islam. Although they were to constitute a small minority in Medina, their migration was obligatory, and their collectiveness in one united group in one place was also needed (*al-Manâr* (July 1909), 12 (6): 411. March (2007): 243).

In his comments on the traditions of *hijra*, Ridâ cited, for example, the views of the medieval Muslim jurist Al-Mawârdî (974-1058) that if Muslims are able to practice their religion in a non-Muslim territory then residence will be better than migration. It is also incumbent upon them to remain there because the territory has effectively become a part of the abode of Islam. It was also always possible that one or another of the unbelievers would convert to Islam through contact with the Muslim population (Abou El Fadl (2000): 49). Ridâ furthermore criticised Muslims of giving such scholars as the Ottoman preacher the chance of manipulating their

religion without any well-established knowledge or solid basis. There is no distinction, he argued, between a prayer or marriage performed in the lands of Islam and rites performed elsewhere. The only difference would lie in the variety of Islamic civil and criminal laws that would be inoperative in non-Muslim territories (Ibid: 48).

French Naturalisation in Tunisia

In his study of the above-mentioned Russo-Japanese fatwa, Andrew F. March has correctly concluded that Ridâ chose for 'the alternative for a situation of hostility, marginalisation, and suspicion. Countering this potentially destructive majority-minority dynamic through insisting on full inclusion and full participation is precisely the response that liberalism prefers minority communities to articulate' (March (2007): 248). However, the rationale behind Ridâ's arguments is missing in his later anti-naturalisation campaign in the case of French Tunisia.

In 1924 the Tunisian Nationalist Party made a petition to him about his religious view on the matter. The party was seeking more recognition from *al-Manâr* for their political position and an endorsement of their campaign to oppose naturalisation and to generate a mass public movement against what they believed as harmful to the Tunisian nationality (Jones (1977): 176). The question of French naturalisation – the granting of French citizenship to Europeans, Jews or Muslims living in the Regence – was one of the policies advised by the French authorities to combat French underpopulation. The campaign to encourage naturalisation of Muslims included the 1923 law, which made French citizenship available to a much larger number of Tunisian Muslims by liberalizing the requirements (Ibid: 165). The law provoked a sharp reaction in the Tunisian press of all political persuasions. The Destour party responded to the law by firing off letters and reports of protest. The party argued that the nationality of a Muslim is mingled with his religion, especially as concerns personal law, and 'changing his nationality means changing his religion' (Ibid: 166).

To sum up, the question was that by inaugurating the naturalisation law the French aimed at 'enticing Muslims to abandon their religion and enhance the number of their loyalists [in the country]' (*Manâr* (January 1924), vol. 25 (1): 21-32). The Muslim, by subjecting himself to the French authority, would consequently be admitting to following non-Muslim positive laws that clearly recognise fornication, wine consumption, illegal ways of earning money, prohibition of polygamy, application of inheritance outside the Islamic law, etc. He would also be obliged to join military service in the army of his enemies. Having taken this step, would the French government be violating its agreement with Muslims? Are those Muslims apostatising their religion, and should they then be dealt with as Muslims regarding marriage, burial and eating their slaughtered animals?

Taking the arguments of the questioner for granted, Ridâ clearly considered those who accepted French naturalisation as apostate. Ridâ admitted that all Tunisian citizens were well aware of his clear-cut answer on this point, but he would publish his answer in order to inform the Muslim public of the notion of naturalisation in Islam. Committing practical sins, according to Ridâ, does not turn

the Muslim into an apostate insofar as he does not deny their legal prohibition as a rule within the Islamic law. Ridâ spells out classical legal definitions concerning the rejection of the fundamentals of faith as apostasy. To adopt another non-Muslim political nationality might also lead the Muslim to the rejection of Divine rules, and sometimes to fight against his fellow Muslims. In parallel to his view, Ridâ quoted the *hanafî* jurist Abû Bakr al-Jassâs (917- 981) by stating that anyone who rejects the commandments of God and his prophet commits apostasy. According to Ridâ, if a group of Muslims ventured to do that, they should be fought until they recanted. The true Muslim who believes the Islamic rulings on issues, such as marriage, divorce, inheritance, prohibition of adultery and usury, as revealed by God, would not give preference to another law, as long as he awaited God's pleasure and reward in the Hereafter.

For Ridâ, the cause of human misery was confined to the diversity of social elements, such as creeds, languages, homelands, rulings, governments and genealogies. He saw Islam as the only way of refining human nature by stressing 'religious citizenship', by standardizing one language, and 'political citizenship' by enforcing one law with no regard to the different nationalities or races. Modern nations, Ridâ stated, attempted to imitate the Islamic model by spending a lot of effort and money in propagating their religion, language and laws. Ridâ lamented the abolition of the Caliphate. The caliph was in his view the only potentiality to make a 'utopian world' by spreading Islam and its language (*Manâr*, vol. 25 (1): 25).

The anti-naturalisation sentiments were fuelled again after the death of Yahyâ Sha'bân, president of the League of French Muslims in Bizerte, in 1932. The Muslim crowds tried to prevent his burial in the Muslim cemetery. The local mufti declared that Sha'bân could not be buried in a Muslim cemetery. The dead body was buried the next day in a Catholic cemetery (Jones (1977): 168). In reaction to this hotly-debated discussion, Ridâ took a harsher view than in his previous *fatwa* (*Manâr* vol. 33 (3) (May 1933): 224-230). He made it clear that accepting the French naturalisation was unquestionably a clear-cut apostasy from Islam. He described the naturalised Tunisians as 'hypocrites', 'enemies of God and his messenger'. They should be prevented from marrying Muslim women, or from being buried in Muslim cemeteries. He put it severely: their 'dirty souls should not be mixed with the pure Muslim ones' (Ibid: 230). The Tunisian newspaper *Jahhouh* (11 December 1924) held a similar view that 'the naturalised Muslim is a swine whose body ought to be thrown to the dogs' (Jones (1977): 166-167).

Ridâ made an exception for native European converts to Islam. French Muslims were forced by his government to defer to a non-Muslim law, but indigenous Muslims were willing to leave the Divine decrees by favoring the laws of naturalisation. Born Europeans must act as much as possible according to the Islamic rulings within the limits of the laws of their homelands, and they would be excused for the things prohibited by their law and those difficult to attain (*Manâr*, vol. 33 (3): 228). He stressed that for naturalised Muslims, even though they were firmly to hold on to the spiritual aspect of Islam, it would be impossible for them to follow the social and political injunctions of their religion in their entirety.

An Imam Spying on His People

An Algerian Muslim under the name of Abel-Qâdir al-Jazâ'irî raised a question about an imam employed by a 'European Christian state' to take care of the funeral ceremonies of Muslim victims during the Great War. This 'Christian' state later dispatched this imam to his country to spy upon Muslims. When the Muslim authority in this country knew of his espionage, they decided to execute him. But he managed to escape back to this Western land before arrest. Later he returned to his homeland and held the function of imam in one of the mosques. He led the prayers in this mosque and people called him a *muslih* (reformer). "Is his belief accepted despite his 'crimes'? Should he be murdered by force of Islamic law? Is prayer led by him acceptable? Is his remorse (*tawbah*) to be accepted after having spied on Muslims for a Christian government? Will his prayers and fasting wipe away his sins and is he considered a true believer?" (*Manâr*, vol. 30 (7) (January 1929): 511-14)

Having chosen the alliance of non-Muslims during wartime, this person was in Ridâ's view a hypocrite. The act is however not infidelity (*kufr*) in itself, but could be a sin that might lead to infidelity. Therefore, nobody has the right to murder him. Ridâ mentioned an example of allowed espionage referring to his friend Muhammad Mamnûn Hasan Khân, the Afghani Muslim assistant of the British commissioner of Banâras in India⁷, who was employed in the service of the Afghani prince Habîb Allâh Khân (d. 1919) by the British, who asked him to spy upon the prince during his visit to India. Khân accepted the post because he knew that the purpose of his mission was to protect the prince's life by rectifying the reports of other spies around him (*Manâr*, vol. 30 (7): 513). However, Ridâ illustrated that sincere repentance of spies, hypocrites and even unbelievers is unconditionally accepted. Prayer led by this imam was no disputable question. A Muslim must not be involved in espionage for the sake of worldly gains. To listen to his preaching also depends on his own situation and the confidence of his Muslim audience in his behaviour after repentance. But if they still doubt his standing, they should abandon his gatherings (*Ibid*: 514).

Illegal Transactions

Ridâ entirely prohibited Muslims inheriting from Christians (*Manâr*, vol. 7 (7) (June 1905): 258). On another level, 'Aqîl ibn 'Uthmân ibn Yahyâ then living in Kupang-West Timor (a stronghold of Christianity), raised the issue of mortgaging one's land or house to financial managers of churches or monasteries in return for a monthly loan, for discussion (Burhanudin (2005): 18). Transactions with financial managers of churches are like transactions with any other person insofar as it is not a deal of *ribâ* (usury), which 'hardens the heart and removes passion and beneficence towards the needy' (*Manâr* vol. 10 (1) (March, 1907): 45-46).

A regional scholar in Damascus had issued a *fatwâ* that Muslims are allowed to infringe upon the rights of foreign companies and those living under the Capitulation System, arguing that they had compulsorily taken this right from the Muslim government (*Manâr* (January 1912), vol. 15 (1): 30). When the question was referred to *al-Manâr*, Ridâ did not hesitate to explicitly maintain that it is totally against the unanimous agreement among Muslim scholars on the obligation of

⁷ Khân was Ridâ's host during his visit to India in 1912. About Ridâ visit to him and his debate with Hindus, see *al-Manâr* (May 1933), vol. 33 (3): 218-19

respecting the *mu'âhidin*, their money and possessions. Such scholars are, in his mind, 'charlatans' who hope to attract common Muslims to their ideas by offending Christians, and allow them to steal from foreign companies. He harshly condemned their *fatwâs* as they indirectly enticed Muslims to rob others and betray their religion. He also rejected the argument that they obtained their capitulatory status by force, since the Ottoman sultan had freely given them such rights, and treaties with the countries of such firms were clearly settled. Any violation of the conditions of such agreements from the European side would never give citizens the right to fight them. It is only the right of the sultan and rulers to make such decisions according to the Muslim public interest. Muslims at all levels in society must keep up their agreement with the *dhimmis*.

The Meccan publicist Muhammad Ibn Muhammad Sa'îd al-Fatta, editor of *al-Wifâq* journal in Java,⁸ requested Ridâ for a decisive fatwâ on the view of some scholars who allow usury in the non-Muslim domain. Al-Fatta raised the question because many Indonesian scholars had condemned Ridâ's view of allowing prohibited deals because it would lead to committing other sins, such as adultery and murder. He repeated that invalid contracts are allowed in the non-Muslim domain, except fraud and deception. Those scholars, according to him, misunderstood the rule. The Qur'ân prohibits usury because of its injustice upon the poor. Abû Bakr Ibn Sa'îd Bâ Slâmah of Kwitang nearby Batavia pointed out that usury has become overwhelmingly widespread in the region to the degree that one of the scholars had also become involved in dealing in usury arguing that it was the founder of *al-Manâr* who permitted it in dealings with westerners (*Manâr*, vol. 35 (2) (July 1935): 127-131; Freitag & Clarence Smith (1997): 312). Ridâ was upset that those people misconstrued his view, heavily criticising those who allowed themselves to deal with some Muslims claiming that they were 'irreligious' and 'atheists'. He moreover warned against borrowing from westerners with interest as it was the reason behind the poverty of Muslim peoples (Ibid). This specific fatwâ is still quoted by the scholars within the trend of Fiqh al-Aqalliyât. In his fatwâ on buying a house by means of mortgage in Western countries, al-Qarâdâwî mentioned Ridâ's view at length. Ridâ, according to him, was one of the early contemporary scholars who dealt with this question (Qaradâwî (2005):161-162).

Uthmân Ibn Husseîn ibn Nûr al-Haqq al-Hanafî al-Sînî, a Chinese Muslim, asked Ridâ's view on whether China is a part of *Dâr al-Harb* (Territory of War). If yes, are Muslims allowed to make deals which are prohibited from an Islamic point of view? (*Manâr*, vol. 31 (4) (October 1930): 270-79)⁹ For Ridâ, China was never Territory of Islam. His position here differed from his views in the above-mentioned Russian case. He defined the territory of Islam in the Chinese fatwa as 'the place where the Islamic law has the authority, and sovereignty is to Muslim rulers' (Ibid: 273). Ridâ plainly explained that although Muslims came to observe their rituals openly in America and Europe, they were not considered as the domain of Islam. The same held true for the countries, which were once conquered by Muslims, such as Andalusia or the south of France. Ridâ was convinced that China in the course of

⁸ Al-Fatta described himself as a propagandist for the Holy Land and Ibn Sa'ûd. About his journal, see Mobini-Kesheh (1996): 240-41, see also Ridâ's review of Fatta's magazine, *Al-Manâr* (February 1914), vol. 25 (2): 159

⁹ Nûr al-Haqq was a staunch student of Ridâ in China. He asked Ridâ's permission to translate parts of *al-Manâr* in his Chinese Muslim magazine. See his message to Ridâ, vol. 31(1) (May 1930): 75-77

time would definitely become Islamic. Not being under Muslim sovereignty, China was not considered as 'a territory of Islam'. He permitted the Muslims in China to follow the *hanafî* view of entering into deals that were originally prohibited in Islam (such as usury), provided that they did not cheat or defraud their fellow non-Muslim citizens. A Muslim, however, is not permitted to do any business selling wine. At the end of his fatwâ, Ridâ advised Chinese Muslim scholars 'to establish their religion and develop their wealth according to all possible lawful ways' (Ibid: 274).

Active members of the Muslim philanthropic association *Jami'yyat al-Maqâsid al-Khairiyya* of Beirut ('Organisation of Charitable Goals')¹⁰ consulted Ridâ on the share of non-Muslims in their charitable resources. 'Umar Al-Da'ûq, the then mayor of the municipality of Beirut, raised another question about the investment of the financial sources of the organisation in establishing hotels, where non-Muslims lodge. The annual profits of these hotels were to be exploited in educating Muslim children in its affiliated schools (*Manâr*, vol. 28 (3) (May 1927): 180-85).

Ridâ did not find it necessary to issue a special *fatwâ* on the matter. For him, Beirut (and Syria) was not a Muslim territory, as it was not under the Muslim rule of *Shari'a*, but under civil law. Therefore, he gave Muslims the same permission he already provided to Muslims in China and some other parts of India. Ridâ stressed that the *Shari'ah* is laid down in order to achieve happiness, and not to be a reason for bringing poverty and misery to Muslims. He added that the major reason for investing in such hotels and in educating Muslim children is the service of public interest, which is one of the highest objectives of Islam. Insofar as Muslims are allowed to rent their houses as accommodation to non-Muslims, there is no difference in the legal sense between renting them hotels as well. To forbid building hotels only on the basis that non-Muslims might consume wine or the tenant would probably prepare it for them is not plausible; since nobody would guarantee those renting his house will never commit sins. No Muslim jurist had ever stipulated that renting contracts should be established with pious people only. Scholars agreed that one is allowed to make deals with non-Muslims and sinful Muslims. To elucidate his point, Ridâ gave examples from the real situation of the Ministry of Religious Endowments in Egypt, which used to rent its buildings to Muslims and non-Muslims without investigating their belief or religious background. The same holds true for big hotels in Egypt owned by non-Muslims. Muslim jurists also stated that non-Muslims should not be requested to follow the rulings of Islamic law in matters of transactions (Ibid: 183).

On the other hand, Ridâ made a difference between this case and the Muslim who would build a temple as a house of worship for non-Muslims, or who would build a bar room just for financial profit. The latter case is not permissible because from the very start the Muslim would support unbelief (*shirk*) or propagate sins by setting up such places. Hotels on the contrary are established for totally different reasons, since they are not primarily built in order to encourage 'immorality' or unbelief. The main reason behind their building, however, is to introduce accommodation for travelers. Ridâ made a comparison between hotels and

¹⁰ The association was established in 1878 in order to compete with the establishment of non-Muslim modern schools. It sought to emulate foreign schools and institutions through its communal effort that stressed the teaching of modern sciences and Islam. See, Haddad (2002): 255

hospitals, as places where patients would receive medical treatment, which cannot be forbidden just because wine may be drunk there (Ibid: 183).

Dealing with the issue from another perspective, Ridâ applied the *usûlî* ruling known as '*Umûm al-Balwâ* (General Inescapable Necessity, or widespread affliction) by considering the conditions of each age. As the majority of the inhabitants of the Beirut of his time were non-Muslims, and many 'grave sins' and 'illicit' acts (such as wine-drinking, fornication, etc.) were widespread there, it would have been unfeasible for Muslims there to easily rent out their own properties. Their houses and shops would remain empty and unpopulated, and their people would definitely fall into poverty and need. In support of his argument, Ridâ cited the *Shafi'î* view of Al-Ghâzali (1058-1111) that it should not be considered as transgression when a Muslim enters into unlawful transactions in lands where such deals are dominant among the people. In consolidating his argument, Ridâ also put into consideration the opinion of Imam Mâlik b. Anas (d. 795) that rulings concerning matters of worship ('*ibadât*) should be based on definite texts from the Qur'ân and the *Sunna*, but matters of transactions (*mu'âmalât*) should be investigated according to the public interest (*maslahah*). As a result, building hotels or renting them out to non-Muslims is permissible, since there is no explicit text of prohibition and no conflict whatsoever with the Muslim public interest (Ibid: 183-184).

Judiciary Systems

Entitled as 'the Indian Questions', Ridâ answered a few questions which a certain Al-Mawlâwi Nûr al-Dîn, a physician in Punjab (India) brought forward for Muhammad 'Abduh (*Manâr*, vol. 7 (15) (October 1904): 574-580). Due to his commitment to many things, 'Abduh referred the queries to Ridâ. Included in the *fatwâ* are relevant questions on the acceptance of the testimony of Magus and Christians, the payment of *zakâh* and taxation on estate in the Territory of War, and the application of English laws in India (Ibid: 574). For Ridâ, the testimony of the Christians and Magus is valid, as long as they gain the confidence of the judge. Taxation levied by Christians upon Muslims is no *zakâh*. Muslims, however, must pay *zakâh* on the basis of what remains after paying this taxation. The doubts of the petitioner concerning English laws pertained to the fact that such positive laws oppose divine laws as designated in the Qur'ânic verses of Sûrat al-Mâ'idah (5: 44, 45 and 47) stressing that those who do not judge with what Allah had revealed are *kâfirûn* (unbelievers), *zâlimûn* (wrongdoers) and *fâsiqûn* (sinful). As the question was of major interest to Ridâ he supplemented the whole *fatwâ* to his *tafsîr* of the above-mentioned verses of al-Mâ'idah (*Tafsîr al-Manâr*, vol. 6, (1999): 336-339). He admitted that it is one of the most problematic issues of his time, rejecting the views uttered by some Muslim scholars who held the legislators of positive laws in the National Courts as 'unbelievers'. He argued that although the external sense of the verses would probably give rise to such a suggestion, none of the famous jurists was of the view of apostatising those who do not judge with the divine rule. However, the *sunni* scholars differed about the occasion of the revelation of the verses. One narrative related to Ibn Abbâs says that they refer to the Jews particularly. Another narrative on the authority of Ibn Jarîr indicates that it had been revealed to the unbelievers, not to Muslims. The third group considered the verses in their context that *kâfirûn*

points to Muslims, *zâlimûn* to the Jews, *fâsiqûn* to the Christians. According to another view of Ibn Abbâs, however, the word *kufr* does not mean getting out of religion in the literal sense.

In his view, Ridâ maintained that the Territory of War is no place for the application of Muslim rules. The Muslim, however, should leave this territory, except in case that his religion is secured and he would be fairly entrusted with positions in the government and serve and strengthen the status of Muslims. Muslims would rather reside there, when non-Muslim laws of these countries are tolerant as in the case of England. There is no harm, therefore, to judge with other laws as far as it is in the concern of Muslims. Ridâ praised the English laws for being closer to *sharî'ah* than the law in any other Western country. As England also entrusts judges in national courts, he went on, qualified Muslims should prepare themselves to the position of being judges and be in the service of their fellow-Muslims.

In 1905, a Russian subscriber of *al-Manâr* Muhammad Nagîb al-Tuntârî raised a query on the testimony of a Christian physician in the case of a Muslim woman beaten by her husband (*Manâr*, vol. 8 (3) (April 1905): 107-109).¹¹ Ridâ made it clear once again that the testimony of non-Muslims can be accepted in some cases. But he tackled the question in more detail. The verse of *Al-Mâ'idah*: 'O ye believe! When death approaches any of you, take witness among yourselves when making bequests' was not abrogated by any other passage and was the last Qur'ânic *sûra*. The occasion of revelation regarding the verse according to a tradition narrated by Ibn Abbâs was that a man from Banî Sahm went out in the company of Tamîm al-Dârî (probably died in 40 A.H./660-1) and 'Addî ibn Bâdâ' (who were Christians). On their way, the *sahmî* person had died in a land where there was no Muslim. When Tamîm and Addî had brought his inheritance (with a missing silver item) to the Prophet, he accepted their oath and testimony. The verse was revealed when two Muslims had stood up and said that 'our testimony is better than theirs'.¹² According to another tradition a Muslim died in Daqûq (nearby Baghdad), where there was no Muslim around to testify for his will, except two persons from the *Ahl al-Kitâb*. When they had reached Kûfa, following the Prophet's act, Abû Mûsa al-Ash'arî accepted their testimony.

The above-mentioned verse and *hadiths*, according to Ridâ, were enough to generally indicate the permissibility of the testimony of non-Muslims, but some scholars unanimously specified their rulings in the case of being on journey where no Muslim is to be found. However, he disagreed with the view that the testimony of non-Muslims is to be rejected; the verse had probably been abrogated. He also rejected the other view of other scholars who discarded the testimony of non-Muslims on the basis of the imperative sentence of the verse: 'And take for witness two persons among you endued with justice' (*al-Talâq*, 65: 2); and the unbelievers

¹¹ Ridâ gained information on Russian affairs either from his correspondence with some of the Russian subscribers of *al-Manâr* or contact with Russian Muslim students in Egypt. For example, the above-mentioned Abu Ali Muhammad Najîb ibn Shams al-Dîn al-Tuntârî once briefed *al-Manâr* about the situation of Muslims in Russia, and that religious freedom granted by the Emperor Nicholas II (1825-1855) had led Muslims to establish more institutions. Al-Tuntârî counted 17 new periodicals in different Russian cities. See, *Manâr*, vol. 9 (3) (April 1906): 234-35. In his diary, Ridâ listed the subscribers of *Al-Manâr* in Egypt and elsewhere. Up till 1906 (eighth year of *Al-Manâr* publication), there were 24 subscribers from Russia. Tuntârî is mentioned on the list of *Al-Manâr* subscribers in Ridâ's diary of 1903.

¹² Ridâ handled the question of the testimony of non-Muslims in more detail in his *tafsîr* of the verse, see, *Tafsîr Al-Manâr*, vol. 7: 190-196

are never 'adl (just). Fakhr al-Dîn al-Râzî (b. 1149 or 1150) interprets 'adl in the verse as the one who is trustworthy, not as upright in religion and belief. Ridâ criticised the rigidity and fanaticism of some people to the *taqlîd*, accusing them of *Sû' al-Adab* (impoliteness) with Allah by their rejection of the Qur'ân as the very utmost source of Islam. The majority of scholars generally accept the testimony of just non-Muslim physicians, while others confined its acceptance only to the case of sickness. He quoted for instance the view of al-Shawkânî (1760-1834) that it is a personal judgment to reject their testimony, and not based on any evidence that the testimony of non-Muslims is to be accepted such as in the case of medication (Shawkânî (1929, vol. 8): 244-47).

Educational System in Russia

The same al-Tuntârî raised another question concerning funding Islamic education by national resources of Christian Russia. Throughout the early nineteenth century the system of Muslim primary and advanced education in Volga-Ural was funded entirely by the local *mahalla*, or by wealthy members of the community (Frank (2001): 232). By the end of the nineteenth century a degree of state funding was available for *madrâsas* and *maktabs*, which offered Russian classes. *Madrâsas* would accept funding for their Russian classes from the Ministry of Education, or from the district *zemstvos*, but Muslims were suspicious about the state funding, fearing that the school might become subordinate to the Ministry of Education. However, during the first decades of the twentieth century, when the reformist curriculum began gaining popularity, many new-method teachers began turning more frequently to the district *zemstvos* for funding (Ibid: 236).

The question, according to al-Tuntârî, was widely discussed among Muslim scholars in Russia, and 'a group of zealous and perceptive among them intended to establish primary *maktabs* by the financial support of the Royal Treasury known in Russian as *Zemski Suma*'. It was, al-Tuntârî explained, the yearly poll taxes, which were paid by Russian peasants (Muslims and non-Muslims), and were put in the Royal Treasury for public projects, such as building hospitals, old people's homes, etc (Cf. Ibid: 267-268). He further elucidated that Muslims did not ask for their share in these funds for many years. The Russian government would have never prevented them when they would need it. As a new source of financial support for modernising Islamic education, some Muslims wrote petitions to the Russian government to get their share in order to establish primary schools in their villages as their non-Muslim fellow citizens. He added that the *zemskaia uprava* (district-based administrative council in imperial Russia) had already accepted the petitions (Ibid, 328). But there was a group of Muslims who attempted to convince the common people that it was legally forbidden as it was mixed with the money of non-Muslims (*Manâr*: vol. 9 (3) (April 1906): 205-206).

As prelude to his *fatwâ*, Ridâ started with Alî Ibn Abî Tâlib's statement that 'Muslims had 'worn' their religion like a fur inside out'. He lamented the state of Muslims that led this group of Russian Muslims to forbid the use of public money as 'insanity'. For him, it is entirely permissible for Muslims to use their share for their public interests. He mentioned three arguments: 1) non-Muslim rulers are not required to apply the rules of *sharî'ah*, 2) Muslims are exclusively allowed to make

use of resources from non-Muslims in their domains, provided that there is no kind of betrayal, and 3) any *harâm* money, whose owner is not specified, should be spent in charity and other matters of public interest (Ibid, 206-207).

Social Interactions with Majority Groups

The Transvaal Fatwâ and European Dress

Changes of traditional Islamic attire as a result of direct contact with westerners have provoked discussions among the *‘ulamâ* (Stillman 2003). According to Van Koningsveld, the earliest discussions took place during the sixties of the 19th century among Muslim students who were reading medicine or taking courses in the natural and military sciences in Paris. These students were confronted with some practical problems concerning their daily life in Western Europe: was it permissible for Muslims to eat meat from French butchers; could one exchange the traditional Islamic headgear for the French hat? (Van Koningsveld (1995): 329) Sulaymân ibn Alî al-Hâr’irî, a scholar of Tunisian descent who was teaching Arabic in the Ecole des Langues Orientales Vivantes in Paris (*al-A’lâm* (2002 vol. 3): 131) allowed students to wear the Christian hat in 1862 in a *fatwâ* entitled: ‘Answers to the perplexed ones concerning the statute of the hat of the Christians’.¹³ Sheikh Muhammad ‘Illyash (1802-1882), the orthodox Mâlikite school of Al-Azhar, opposed the *fatwâ* in his unpublished treatise entitled: ‘Refutation of the Epistle ‘Answers to the Perplexed concerning the statute of the hat of the Christians’ (Shadid & van Koningsveld (1996: 90).¹⁴

In October 1903 the problem of the hat reappeared in the aforementioned ‘Abduh’s well-known *fatwâ* of Transvaal, which was hotly debated in the Egyptian press (*Manâr*, vol. 6 (20): 771-788; *Târikh* (2002 vol. 1: 667-717. In brief, ‘Abduh stated that as long as wearing the hat was not an expression of their intention to apostatise from Islam to enter another religion, they should not be branded as unbelievers for the mere fact of wearing it. Is it also objectionable to wear it against the heat of the sun? Regarding the second point, ‘Abduh also found it permissible to consume the meat of animals slaughtered in the matter mentioned above, since the Qur’ân allows Muslims to eat the food of the People of the Book (Van Koningsveld 1995: 329).

Upon having learnt about the *fatwâ*, Ridâ defended the views of the mufti without knowing precisely who he was; publishing his arguments on the basis of the reports he heard from people (*Manâr* vol. 6 (20): 710-716). He argued that one authentic *hadîth* indicated that the prophet wore the Christian jubbah imported from the Byzantine Empire,¹⁵ and the Magus garments from Persia. His companions also wore the dress, even headgears, of the lands they conquered. Nobody condemned this act, except in one case when ‘Umar feared that Muslims would be

¹³ *Ajwibat al-Hayârâ ‘an hukm qalansuwwat al-Nasârâ*, Paris: H. Carrion, 11 pp; as quoted in Van Koningsveld (1995): 330. The author saw no objection whatsoever to the wearing of the ‘hat of the Christians’, because this practice did not imply any form of assimilation in strictly religious matters

¹⁴ According to Shadid and van Koningsveld, the Arabic text *Al-Radd ‘alâ Risalat Ajwibat al-Hayârâ an hukm qalansauwwat al-Nasârâ* is manuscript nr. 238 in the General Library of Tetouan (Morocco), 26pp. Another manuscript is to be found in the collection of the Al-Azhar Library in Cairo, no. 29.

¹⁵ Stillmann defines the jubbah as a woollen tunic with rather narrow sleeves; according to al-Bukhârî it was imported in the Prophet’s time from Syria. In Sunan Ibn Mâja it was perhaps in the Byzantine Empire.

engrossed into luxury (*Manâr* vol. 6 (20): 713). Nevertheless, Ridâ admitted that the *ummah* must strictly preserve its traditions. Any change of habits should be based on the Muslim public interest. He did not deny that the Egyptians who used to wear the hat in Europe were to blame because of their lack of determination, but did not consider them as sinful or deserving punishment.

To restrict the argument to the imitation of the unbelievers was, in Ridâ's view, incorrect. Unlawful imitation is confined only to taking part in their rituals and religious services. There is no harm therefore to follow others in other worldly affairs and habits, which might establish intimacy and remove animosity. Due to their struggle for independence, Ridâ rather urged the Egyptians to abandon wearing the hat, as a symbol of rejection of the colonial existence. Muslims of Transvaal and the Good Hope as a religious minority, on the other hand, were allowed to share customary acts with their fellow citizens, since they had no hope for any independence. However, wearing the hat is not an item of attire that is special for a specific religion. He saw that many Muslim scholars wore ceremonial clothes such as that of priests in the church; and the clothes given to the Sheikh al-Islam by the government also looked like those of the Roman Patriarch.

Having known that it was 'Abduh who issued the *fatwâ*, Ridâ vehemently returned to defend his teacher's views in a long article (*Manâr* vol. 6 (20) (January 1904): 771-788). He also requested the scholars of Al-Azhar to defend 'Abduh's views in the same way as the Azhari sheikh Muhammad al-Ashmûnî (d. 1904), who was asked once by a student of his about wearing the hat. He cynically answered that he would come to the mosque putting a hat on during his lesson (*Manâr* vol. 6 (23): 920). In his mind, the aim of those who escalated the issue for public discussion was to embarrass 'Abduh's religious status. They started to investigate the problem without any proper knowledge of *fiqh*, the *sunnah* or the history of the *ummah*. In his defense of 'Abduh, he also dedicated two separate chapters in later issues of his journal to the conditions of the *iftâ* and the qualifications of the mufti (*Manâr*, vol. 6 (22) (February 1904): 848-852 & vol. 6 (23) (February 1904): 891-900). Confirming 'Abduh's views, Ridâ quoted the *fatwâ* of the 12th century scholar Abû Bakr Ibn al-'Arabî who had permitted Muslims to eat the animals slaughtered by the People of the Book. He also added that the *salaf* among the Companions and the Followers had considered all followers of Judaism and Christianity as People of the Book, whether they adhered to the rules of their religions or not. However, there was an exceptional report, related by Ali Ibn Abî Tâlib, that the Prophet excluded the tribe of Taghlib from the definition of Christian, because they had abandoned many of their religious practices. Other reports confirm that they should be treated as Christians. But some Malikite scholars, such as Ibn al-Arabî stipulated, regarding the permission of their food, that clergymen and laymen should also be able to eat from the slaughtered animals. Ridâ quoted the view of the Tunisian Muslim reformist Muhammad Bayram al-Khâmis (1840-1889) of permitting the eating of animals slaughtered in Europe, even though it might be doubted that they were suffocated or strangled. In his account of his travels to Europe, Sheikh Bayram deemed the French meat as *halâl* with no regard to its way of slaughtering (Bayram al-Khâmis 1997 vol. 1: 140-151).

Ridâ defended the *fatwâ* in other Egyptian magazines, such as the biggest dailies, *al-Muqattam* and *al-Ahrâm*. He not only ardently defended his teacher's *fatwâ*,

but was also preoccupied with collecting views that were along the same lines as those of 'Abduh. He reported that the debate was followed in Indian newspapers and that he received letters of support from all over the world (*Manâr* vol. 7(1) (March 1904): 23-24; cf. Skovgaard-Petersen 1997: 127-28). In the same month, *Al-Wâ'iz* (the Preacher), another newly established journal, referred to an unnamed Moroccan scholar; who explicitly supported the fatwâ on its pages when he was on his way to Mecca for pilgrimage. Ridâ quoted the letter of the Moroccan scholar:

'The Qur'ân allows [eating] what hunting dogs eat and kill. And God the exalted knows that man is higher in status than the animal, so He has set this right and permitted what has been slaughtered by the People of the Book, so that they be not less [worthy] than dogs [...] The Franks entered our country. Their coming imbued our hearts and limbs. They made houses, doors, clothes and everything new from their custom and manufacture. How can you allow all this and forbid a powerless, dependent Transvaali to wear a hat (*Manâr* vol. 7 (1): 821-23, as translated by Skovgaard-Petersen 1997: 129)

According to Ridâ, the Egyptian lawyer Muhammad Abû Shadî, at the instigation of the Khedive, harshly attacked the fatwâ in the Egyptian journal *al-Zâhir* using the fatwâ to stir up feelings against Abduh (Skovgaard-Petersen 1997: 127). The founder of the satirical newspaper *al-Himarah* also took part in the anti-fatwâ campaign (*Manâr* vol. 6 (21) (January 1904): 812-831). Abû Shadî's problem with the fatwâ was that slaughtering animals in Transvaal is contradictory to the rules of the *Shari'ah* arguing that it is precisely the 'knocking down', which is expressly forbidden in the Qur'ân (5:4) (Skovgaard-Petersen 1997: 128). Ridâ totally disagreed with Abû Shadî's interpretation of the word 'knocking down'. He quoted the Qur'ân commentary of al-Baydâwî that the word *mawqûdha* means knocking down with a stone or a club and that the animal dies from the blow. Therefore, the term can not refer to an axe, as specified in the questions of the fatwa (Ibid: 129).

In the same year another Cairiene petitioner extended the issue of Western attire to the position of European converts to Islam, who insisted on wearing their original style of dress. Early Muslim converts, according to the questioner's understanding, were never required to change their dress; and change of dress might be an obstacle in convincing Europeans of Islam, and would hinder its expansion (*Manâr* vol. 7 (1) (March 1904): 24-26). Ridâ absolutely agreed that it is never narrated that the Prophet or his followers had ordered the neo-converts to change their way of dress. Muslims were also used to putting on attires gained as booty in the time of war from the unbelievers. Other nations would definitely ridicule a religion which obliged its adherents to wear only dresses with wide sleeves and yellow shoes through which most of the foot must appear. For him, Americans and Europeans would think of such a religion as only fitting for the lazy and unemployed people in hot countries and never suitable for active and working people.

The question of European dress was also widely discussed in Indonesia. In one of his official pieces of advice to the Dutch colonial administration, Snouck Hurgronje took issue with 'the government's fear of turbans', as part of his struggle to dispel the

hâji-phobia of the government.¹⁶ Indonesian petitioners raised the question of European attire to Ridâ for the first time in 1911. Hâj Abdullâh Ahmad of Padang (1878-1933), the West Sumatran editor of *Al-Munîr* (Noer 1973: 33-39) sought clarification from Ridâ about the legality of European dress, such as brimmed hats and neckties in light of the hadîth: 'Whosoever imitates a group belongs to them' (*Manâr* vol. 14 (9) (September 1911): 669-671 & vol. 14 (12) (December 1911): 906-911). Padang during Abdullâh's time witnessed a group of elite graduates of modern schools and the increasing influence of Europeans on Muslim social life (Burhanudin 2005: 19). Abdullâh asked Ridâ for his religious advice on the issue because of its urgency for Muslims in the Archipelago (Kaptein 2004).

Recognizing the significance of the issue for Malay Muslims, Ridâ dealt with the question at length. Again he stressed that there is no difference among the *fuqahâ* whether it is permissible for Muslims to deal with the People of the Book and buy attire and furniture made by them. Islam also never stipulated a special form of attire for Muslims, except in the case of ritually prescribed dress during the hajj and *umra*. But imitating non-Muslims in their religious matters is utterly forbidden. Although Ibn Hibbân (d. 965) authenticated the *hadîth* of the *tashshabuh* (imitation of unbelievers), Ridâ maintained that its chain of transmission was weak (*Manâr* vol. 29 (7): 527 & vol. 31 (10): 737-38). But it neither opposed their imitation in the entire sense, nor did it fully recommend it. The *hadîth* is used in the conflict between *'abîd al-'adât al-qadîmah* (slaves of ancient habits) and *abîd al-'adât al-hadîthah* (slaves of modern habits) among Muslims. The 'slaves' of modern habits would find it more authentic that the Prophet had put on the attire of the unbelievers of Mecca, whereas the other party would attack them by using this specific *hadîth* to prohibit imitation. These issues, however, should be liable to change of time and circumstances. In Ridâ's view, Ibn Taymiyya's strict treatment of the problem in his work *Iqtidâ' al-Sirât al-Mustaqîm* (2004) and the participation of Muslims in non-Muslim occasions was due to the political and social circumstances of his time. One should not therefore be rigid, as in the case of some people in Al-Maghrib rejecting the European military uniform.

In plain terms, Ridâ criticised the *ulamâ* of Padang who declared Muslims wearing European dress as 'ignorant', and that they 'have made Islam and Muslims an object of derision by issuing such fatwâs' (Kaptein 2004). As was his habit, Ridâ turned to criticise the westernised among Muslims, and stated that their blind imitation of westerners was due to their laxity and immorality, which was one of the major causes of the fragility of the *umma* in the modern time. This was, for him, greatly manifested among those who learned European languages and were fond of visiting Europe and spending their money lavishly on gambling, desires and lusts. They would replace their national dress with Western clothes only for the purpose of hiding when they would go to clubs and drink wine (*Manâr* vol. 14 (9): 671). Two months later, Abdullâh quoted Ridâ's views almost verbatim. He announced to his readers that 'the religion of Islam in no way troubles Muslims with [the participation of] certain items of dress, nor with a particular mode of wearing it'. A person who wears European dress is no *kâfir* (*Manâr* vol. 14 (9): 671).

¹⁶ The question of dress in South East Asia is well discussed in Kaptein (2004). My thanks are due to the author for referring me to sources on Indonesian petitioners, and for allowing me to use his unpublished works.

In 1922, a Moroccan living in Madrid raised the same issue relating to wearing the Christian hat. The question concerned a Mâlikî group in the city, whose school of law prohibits wearing Christian and Jewish attire, but replaced their traditional dress with the hat. Yet again in 1931, a certain Aydat ibn Ahmad al-Baharî al-Sadaî from Solo (Indonesia) had asked Ridâ whether it was a sign of infidelity to put on Western trousers and ties (*Manâr* vol. 31 (10) (July 1931): 738). Ridâ warned against the danger of blindly imitating in minor issues of *furû*. Dress is no religious issue in so far as it has no political or social impact upon Muslims. The rules of apostasy are not applicable to Muslims who only change their way of dress for economic, social, political or military reasons. Ridâ found that the majority of Muslims traveling or living in Europe abandon their national dress because of the cold weather, and the hat was moreover, not religious symbol for westerners. According to him, it was the Arabs in Yemen who first invented it as protection from the sun (*Manâr* vol. 22 (6) (June 1921): 429-42).

Sharing Food and Courtesy

The first petition sent to *al-Manâr* (1900) was raised by a subscriber from Cairo on the frequently raised query on the lawfulness of the food of the People of the Book, especially animals slaughtered by them, in relation to the Qur'ânic verse: 'The Unbelievers are impure' (al-Tawbah, 9:28; *Manâr* vol. 3 (14) (July 1900): 333-335). Although the question was raised from Cairo, similar petitions have their impact on Muslims as minorities in Christian contexts. For Ridâ the verse neither indicated the prohibition of eating their food, nor did it abrogate other verses of permission. The verse was revealed in particular to forbid the Arabian polytheists from going on pilgrimage to Mecca, when the Prophet ordered Alî b. Abî Tâlib to recite it on the Mountain of Arafat. It describes polytheism as 'spiritual impurity'; and bodily impurity is never cleansed only through belief. There is also no evidence that the food of the polytheist is unlawful for Muslims, let alone People of the Book. A polytheist is sometimes bodily cleaner than some Muslims; and in no narrative it is reported that the Prophet or any of his companions considered the bodies of the unbelievers as impure. Ridâ openly called for understanding between Islam and other religions, and that Islam was not revealed as isolating its followers from people of other beliefs with regard to common and consistent principles.

In 1905, the Hadramauti Sayyid Muhammad Ibn Aqîl of Singapore (1863-1931) sent a question to know whether there is any Muslim historical narrative describing the manner of slaughtering used by the People of the Book during the Prophet's lifetime. Comparing these narratives with their new methods would probably solve the problem (*Manâr* vol. 8 (7) (June 1905): 254-256).¹⁷ Ridâ admitted that it is very hard to investigate the question, since the scholars of *usûl* do not confine their permission or prohibition of any ruling according to habits or conditions of the first Muslim generation. The issue of slaughtering is not linked to matters of worship or to the 'spirit' of religion, but it becomes forbidden in case of other deities rather than Allah. Muslims should show Christians and Jews their courtesy by sharing their

¹⁷ About Sayyid Muhammad Aqîl ibn Yahyâ, see, Ende (1973): 82-97; Othman (2002): 45-46; Roff (2002): 91-108. Ibn Aqîl was a close friend of Ridâ. After his death, Ridâ made a tribute to him in two articles. See, *al-Manâr*, vol. 32 (3) (March 1932): 238-40 & vol. 32 (4) (April 1932): 315-317.

food. When the Christian slaughters his animals in the church, Ridâ added, Muslims are also allowed to eat their food; but it is impermissible to eat the animals slaughtered by Muslims in the name of the Prophet or the Ka'ba for example.

A couple of months later a Muslim in Bosnia sent Ridâ a message in which he disagreed with Ridâ's argument that God had demanded Muslims to be fully courteous to the People of the Book and eat their food, which sometimes includes pork or other forbidden materials (*Manâr* vol. 8 (24) (February 1906): 945-947). In his answer, Ridâ pointed out that their permissible food is that food which was originally permissible according to their Scriptures. Pork is not permissible according to the Old Testament, and Jesus did not abrogate that rule. Ridâ argued that it was Paul who had made all kinds of food permissible for the Christians by stating in the New Testament: 'There is nothing from without a man, that entering into him can defile him: but the things which come out of him, those are they that defile the man' (Mark 7:15).

A Muslim from Montenegro raised a question about the religious ruling regarding Muslims living under a Christian government, who would sometimes visit their Christian country-men to congratulate them on their religious feasts (*Manâr* vol. 7 (1) (March 1904): 26-27). Ridâ quoted the known *hadîth* that the Prophet had once visited his Jewish servant boy when he got ill. The boy and his poor father deemed the Prophet's concern great. It is also narrated that the boy had converted after the Prophet called him for Islam. Ridâ brought the *hadîth* only to argue that the Muslim is permitted to take the initiative to visit non-Muslims. He referred to the view of Al-Mâwardî that visiting the non-Muslim patient is permitted, but it is not considered as '*ibâdah* (worship)' as it is in the case of visiting a Muslim patient. However, a Muslim is rewarded for his kindness towards his neighbors or family members. By way of analogy to the Prophet's visit, Ridâ deduced that a Muslim is also permitted to visit non-Muslims during their religious feasts. He will be also rewarded for his visit, as Islamic teachings maintain that a 'good intention turns permitted acts into '*ibadah* (worship)'' (Ibid: 26).

Ridâ stressed that Muslim minorities are rather required to strengthen the relation with their non-Muslim friends. It was, according to him, a sign of good behavior, on which Islam is based, and also for the sake of each other's common interests. Ridâ refuted those 'fanatic' groups among Muslims who took the legal view that 'to visit the unbeliever patient is permitted only in case of hoping his conversion to Islam' as an argument to limit the rules. Ridâ highlighted that Ibn Battâl referred to the visiting that is legally required (*'iyadâh matlûba shar'an*), whereas the issue here regarded permitted habits. Ridâ cited Ibn Hajar's commentaries on the *hadîth* in *Sharh al-Bukhârî* that: '[the rule] differs according to the difference of objectives; and visiting him [the unbeliever] would probably achieve another interest'. He further applied the statement to the status of Muslim minorities, explaining that the interests of the people of one country are related to the good relations among all the inhabitants. It is common that people detest the one who ill-treats others; and the offender would not as a result be able to achieve his social goals, especially when he has a weak status in that society. It would be even more defaming to their religion, if such bad behavior and ill-treatment were attributed to Islam. In the end he asked the petitioner to visit the Christians on their

occasions, to show them good manners not only as a matter of *darûrah* (necessity), but to abandon prohibited acts, such as drinking wine etc.

Marriage

In one *fatwâ*, Ridâ gave his unconditional affirmative answer concerning marriage with Christian women in spite of their belief in the divinity of Jesus (*Manâr* vol. 29 (9) (December 1926): 662). As regards the dowry of potential *dhimmî* wives, Ridâ – by way of analogy with a Muslim spouse– agreed that Muslim men are also allowed to teach them passages from the Qur’ân. The Qur’ân is for him the ‘light’ and ‘guidance’ of humanity. It is reported on the authority of Sahl Ibn Sa’d that the Prophet had given one of his Companions the permission to endow his wife with some Qur’ânic verses as dowry. All schools of law agree on this point, except the *hanafîs*. In Ridâ’s view, *dhimmî* women are no exception; and teaching his wife the Qur’ân is the best conduct to propagate Islam. Her agreement on the Qur’ân as dowry is also an indication that she believes in its valuable contents. On the other hand, scholars agree on the prohibition of giving the Qur’ân to non-Muslims in order to avoid any offence (*Manâr* vol. 5 (6) (June 1902): 222).

In 1909, The Javanese Arab Muhammad ibn Hâshim ibn Tâhir (1882-1960), the editor of *Al-Bashîr*,¹⁸ asked about the legal status of marriage between a Muslim man and a Chinese woman on the condition that the woman would convert to Islam. Another question concerned the position of European women: are they considered to be included in the People of the Book with all these different sects and beliefs? (*Manâr* vol. 12 (4) (May 1909): 260-63) Ridâ stated that some of the *salaf* are of the view that a Muslim is unconditionally allowed to marry non-Muslim women with no regard for her background of belief. But the majority is unanimous on the permission of marrying Christians and Jews only, as they are given special status within Islamic law. The introduction of pagan elements into Judaism and Christianity is no reason to abolish their privileges in Qur’ân. Muslims have also introduced pagan traditions into their belief, but they are not excluded from the category of being Muslims. Ridâ disagreed with Muslim scholars who forbade marrying with them because they seemed included in the category of infidels according to the verse: ‘They take their priests and their anchorites to be their lords in derogation of Allah’ (al-Tawbah 9:31). The verse, he stated, does not generalise the People of the Book in their totality, but indicates a group among them who challenge Islam. He explained that the word *arbâb* (gods) does not denote that they take their clergymen as deity. Many Christians in Europe and America do not even follow their religious instructions, but as monotheists believe in Jesus as a prophet.

For him, the status of Chinese women does not fall under the legal rule of the verse: ‘Do not marry unbelieving women’ (al-Baqarah 2: 221). He argued that marriage with non-Muslim Chinese women was one of the reasons behind the spread of Islam in China. The legal wisdom behind the legitimacy of marrying Jewish

¹⁸ *Al-Bashîr* was published in 1914, as the first Arabic periodical in Indonesia. His magazine was also to be sold at *Al-Manâr* Bookshop. See, *Manâr*, vol. 17 (5): 362. He was greatly influenced by *al-Manâr*’s ideas, and disseminated its author’s thought in his region. Ridâ considered him as a sincere Muslim in his *da’wah* of reform, see his message to *al-Manâr*, vol. 11 (8): 598. In the 1920s, he became the patron of a lodge for South East Asian students in Cairo. More about him, see, Noer (1973): 50-51; Schmidt (1992): 82.

and Christian women was their closeness to Muslims and mixing with them would be a good reason for a better knowledge of Islam and consequently for their conversion. As far as it is also the case in Java, there is no legal harm in marrying Chinese women. But when due to the woman's beauty and wider knowledge it is feared that the Muslim man would be attracted to her religion, Ridâ strictly warned against this marriage, as in the case of some Muslims who marry European women.

According to one petitioner, polygamy and divorce in Islam would be a natural method to multiply the number of Muslims beyond those of Christians; but why are Muslims always outnumbered by Christians? (*Manâr* vol. 4 (18) (November 1901): 705 & vol. 4 (13) (September 1901): 493; vol. 5 (1) (April 1902): 22) Ridâ explained this because of the early spread of Christianity before Islam, but was not due to reproduction. When Muslims were in a small minority, the Christians were millions. He moreover added that there is no doubt that Islam, due to the increasing number of converts and multiplication of its progeny, has grown in an unprecedented way. Despite the extensive Christian missionary work, Muslims have almost reached the number of Christians. The quantity of Jews, on the other hand, remains less because it is a non-missionary religion, and they consider themselves the chosen people of God; and one group on its own is never able to outnumber many nations.

In 1931, he got a question from the Ugandan Muslim Sâlih Khamûr al-'Alâwî al-Hadaramî Sâlih al-Alawî on marrying pagan and Christian women who only bear the *shahâdâ*, versus Muslims by birth only. Sâlih's question came as a result of the situation of Muslims in Uganda with some Arab and Indian residents marrying indigenous Ugandan women. Were they to be treated as free women, or as unbelieving slaves? The petitioner explained to Ridâ the diversity of religions in the country. Muslim, Christian women and other groups were not well-versed in their knowledge of religions (*Manâr* vol. 31 (10) (July 1931): 732-34).

Ridâ's ideas and his predecessors of the reformist movement were well known to those who could read Arabic in East Africa (especially in Zanzibar) (Bang 2003: 135). In Uganda the 'Alawîs were the 'carriers' of his thoughts (*Manâr* vol. 31 (9), (June 1930): 705). The questioner was a great admirer of Ridâ and his magazine for its religious zeal in combating superstitions, missionaries and atheists. In March 1930, he sent *al-Manâr* a letter of appreciation for its influence on modern Muslim thought and the Alawîs in Uganda (*Manâr* vol. 31 (9) (June 1931): 705-714). In the letter, he bemoaned the deteriorating religious state of Arab and Indian Muslims and their insufficiency in preaching their religion as compared to Christian missionaries. Propagation of Islam depended much on individuals, and there were no organised activities. Unlike missionaries, who brought printing machines with them and printed reading sheets and booklets, Muslims in Uganda lacked technical devices with which they were to propagate their religion (Oded 1974: 234-235).¹⁹

Ridâ gave the question priority due to the significance of the subject. He also wondered that the questioner had only expounded the state of these women without giving any details on their husbands. At the start, he pointed out that converted women should be taught how to observe Muslim articles of faith. The

¹⁹ In order to challenge missionary allegations on Islam and 'unveil their complots', Sâlih requested Ridâ to send him his works so that he could translate it into Swahili.

majority of Ugandan Muslims, for him, were not very knowledgeable about the very essence of their religion, and well-versed Muslims among them bore the grave sin of their laxity in propagating Islamic knowledge to their fellow citizens. He promised the questioner to send him some of his treatises and books which might help them in disseminating the message. He did not agree with the questioner that Christian women were not aware of their religion. The Christians in general were more interested in educating their women and children with religious teachings than the Muslims. Their regular attendance in church on Sunday, the most observable part of their belief, is a sign of the missionary influence in the region. In his view, those women did not get the real message of Islam and once it reached them their marriage would be religiously recognised.

Conclusion

We have seen that *al-Manâr* attracted many petitioners from various regions. The selected *fatwâs* have shown that these people raised their questions either to settle or even reshape their relations with the People of the Book. In his answers to their legal problems, Ridâ 'took doctrines that had already emerged from Islamic legal history and recast them to suit his own situation' (Abou el-Fadl 2000: 56). From the discourse of Muslim jurists responding to the Christian and Mongol invasions in the sixth/twelfth and seventh/thirteenth centuries to the discourse of Ridâ responding to a colonial situation, Muslim jurists reconciled their Islamic conceptual categories to the political and social demands of the age (Ibid: 60).

I have not argued that Ridâ formulated his *fatwâs* in this way because he thought of Muslims as minorities, nor did he develop a certain theory on their minority position as such. Ridâ himself belonged to a Syrian ethnical minority group in Egypt. His journal has contained in other places its author's reflections on the relationship between the majority and the minority groups within one society. He was, for instance, impressed by the Coptic minority group in Egypt, and constantly praised their religious zeal and concern for education, underlining that they were more organised than their Egyptian Muslim fellows (*Manâr* vol. 1 (15) (July 1898): 260-261 & *Manâr* vol. 1 (21) (August 1898): 388-389 & *Manâr* vol. 8 (9) (July 1905): 327-330). For him, it was natural from a sociological point of view that any religious minority group must yield to its overzealous sense of unification in order not to be assimilated within the majority group (*Manâr* vol. 11 (5) (June 1908): 338-347).

Ridâ, throughout his answers to Muslims under non-Muslim rule, made a distinction between the situation of Muslims as born minorities and those who accepted citizenships of colonial countries dominating Muslim territories. There was no harm in Muslims being obedient to the laws stipulated by the government of the majority. Typical of this was his permission for Russian Muslims to participate in the Russo-Japanese war, for example. He saw no harm in Muslims strengthening non-Muslims in the Russian case. He allowed his questioners to participate in the war in order to acquire more dignity in the state where they lived, and to consolidate their equal rights and privileges of citizenship with other Russians. The ambivalence in Ridâ's views lies in his severe prohibition of Muslims abiding by non-Muslim laws when it might endanger their religious identity. His mild attitude and understanding of the status of Muslims in the Russian or the Austrian rule stemmed

from his conviction that Muslims in these areas would continue to be a minority. They also managed to adapt their situation to their context, while having developed their religious perception, whereas he was persuaded that the French were trying to eradicate the Arab and Islamic identity from North Africa. Therefore he was resolute in giving his total preference to the 'religious citizenship' above the 'political one.'

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