

# The Symbolic Relationship between ‘Ulamā’ and ‘Umarā’ in Contemporary Saudi Arabia

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*Abstract:* This research can be considered within the framework of legal and political anthropology and the study topic centres around the effects of an alliance between Saudi ‘ulamā’ (the religious scholars) and ‘umarā’ (the political leaders) in contemporary Saudi Arabia. The objective of this paper is to investigate to what extent the Wahhabī interpreted religious discourses are used to shape the political atmosphere of today’s kingdom. The paper will explain in more detail the continuing relationship between the ‘ulamā’ and ‘umarā’ in light of the Wahhābī doctrine of *siyāsa shar‘iyya* (a fundamental legal doctrine that establishes the relationship between the regime and its subjects in an Islamic state), while focusing on the historical ebbs and flows between the ‘ulamā’ and ‘umarā’.

*Keywords:* Saudi Arabia, political authority (‘umarā’), religious authority (‘ulamā’), Islamic law

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# Suudi Arabistan'daki Alim ve Yöneticiler Arasındaki Sembolik Bağlantı

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**Öz:** Günümüz Suudi Arabistan Devleti'nde, ulema (dini âlimler) ve umera (politik yöneticiler) arasındaki bağlantı ve bu bağlantının etkisinin araştırıldığı bu makale hukuk ve politik antropoloji alanı içerisine giren bir araştırmadır. Araştırmanın temel konusu; Vahhabi anlayışına dayanan dini yorumların, günümüz Suudi Arabistan Devleti'ndeki politik atmosfere olan etkilerini, âlim ve yöneticiler arasındaki sembolik bağlantıyla analiz ederek açıklamaktır. Çalışma, ulema ve umera arasındaki güçlü ilişkide meydana gelen olumlu ve olumsuz tarihsel dönemlere odaklanarak, Suudi Arabistan'da hâkim olan Vahhabi anlayışıyla bağlantılı siyas-i şerriyye doktrininin devlet tarafından kullanımını örneklerle göstermektedir. Suudi Arabistan'ın kendine özgü siyas-i şerriyye anlayışında yönetim, yöneten ve yönetilenler arasındaki ilişkinin kuralları İslami temeller üzerine kurulmuştur ve bu bağlamda dini otorite ile politik otorite arasında iç içe geçmiş hiyerarşik bir güç yapısı bulunmaktadır.

**Anahtar Kelimeler:** Suudi Arabistan, siyas-i otorite ('umarā'), dini otorite ('ulamā'), İslam hukuku

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# العلاقة الرمزية بين العلماء والمسؤولين في المملكة العربية السعودية

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الملخص

هذه المقالة تبحث في العلاقة بين العلماء (علماء الدين) والأمراء (المسؤولين السياسيين) في دولة المملكة العربية السعودية اليوم، وتأثير هذه العلاقة. وهي دراسة تدخل في مجال القانون والأنثروبولوجيا السياسية. الموضوع الرئيس للدراسة؛ هو شرح آثار التفسيرات الدينية القائمة على المنهج الوهابي على المناخ السياسي في دولة المملكة العربية السعودية اليوم، من خلال تحليل العلاقة الرمزية بين العلماء والمسؤولين. وتركز هذه الدراسة على الفترات التاريخية الإيجابية والسلبية التي تحدثت في العلاقة القوية بين العلماء والأمراء، وتوضح استخدام الدولة لعقيدة السياسة الشرعية المرتبطة بالمنهج الوهابي السائد في المملكة العربية السعودية، لترسيخ النظام وفق السياسة الشرعية بمفهومها الخاص بالمملكة العربية السعودية، لتستند فيه قواعد العلاقة بين الحاكم والمحكوم على الأسس الإسلامية، وفي هذا السياق يوجد هيكل سلطة هرمي متشابك بين السلطة الدينية والسلطة السياسية.

**الكلمة المفتاحية:** المملكة العربية السعودية، السلطة السياسية (الأمراء)، السلطة الدينية (العلماء)، القانون الإسلامي

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## Introduction

The legal system of Saudi Arabia is supposedly governed by the traditional framework of Islamic law, and there is no separation between the legislative, executive and judicial branches. Underscoring the alliance between Saudi '*ulamā*' (the religious scholars) and '*umarā*' (the political leaders) in the contemporary atmosphere clarifies that the political practice in Saudi Arabia is connected with the Wahhābi interpreted religious doctrines not only as a theoretical level but also as a facilitator of political changes.

The historical alliance of 1744 between Shaykh Muḥammad Ibn 'Abd al-Wahhāb (d. 1792), the founder of the Wahhābī movement, and Muḥammad Ibn Sa'ūd (d. 1765), the predecessor of the Saudi dynasty, established the basis for the formation of the first Saudi state.<sup>1</sup> The symbolic and functional alliance has since then remained intact. 'Abd al-Wahhāb's mission was sustained by his descendants, who are known as the Āl al-Shaykh family, and their authorization as the Grand Muftī was handed down from father to son.<sup>2</sup> 'Abd al-'Azīz Āl-Sa'ūd (d. 1953) founded the Saudi Kingdom in 1932 and continued to rule the monarchy until his death.<sup>3</sup> At the beginning of the establishment of the first Saudi state, the Āl al-Shaykh family were merely the class of the '*ulamā*' who had formed an alliance with Muḥammad Ibn Sa'ūd. Although the religious sphere was reserved for 'Abd al-Wahhāb and his descendants (the family of Āl al-Shaykh) during the early period of the kingdom, the Āl al-Shaykh family's privileged position was increasingly challenged after the establishment of the Dār al-Iftā' (the official religious institution). The leader of the institution is titled as the Grand Muftī (*al-Muftī al-Āmm*) who obtains a privileged position and controls the official '*ulamā*' within the kingdom. In a manner that is quite similar with the Āl al-Shaykh family, the official '*ulamā*' have been concerned with sustaining the mutual alliance and interdependence between the religious scholars and political leaders within the wider context of the modern Saudi state.<sup>4</sup> The situation has inevitably generated a functional relationship between the '*ulamā*' and '*umarā*' up until the present times.

1 Joseph A. Kechichian, *Succession in Saudi Arabia* (New York: Palgrave, 2001), 15, 18.

2 John R. Bradley, *Saudi Arabia Exposed Inside a Kingdom in Crisis* (New York: Palgrave Macmillan, 2005), 9-10.

3 Kechichian, *Succession in Saudi*, 24; "King Abulaziz Al Saud Founder of the Kingdom of Saudi Arabia," *House of Saud Saudi Royal Family*, accessed December 2, 2020, <https://houseofsaud.com/king-abdulaziz-al-saud/>.

4 Mordechai Abir, *Saudi Arabia in the Oil Era Regime and Elites: Conflict and Collaboration* (London: Routledge, 2015), 17-22.

There is a division between mutable issues concerning social relations (*mu'āmalāt*) and immutable issues concerning faith (*'aqā'id*) and ritual practices (*'ibādāt*) in the area of Islamic rulings. Islamic law does not order a particular governance style for the rulers with the exception of acting fairly during the governance of the state. Each government aims to establish an appropriate governmental structure regarding religious flexibility. Within the scope of the general principles, Saudi Arabia developed an idiosyncratic governance which combines religion and state. The reciprocal and functional relationship between the religious and political authorities of Saudi Arabia is explained by Al-Atawneh, Vogel, and Mauline. Their work underscores the main Wahhābī doctrine of governance and politics (*siyāsa shar'īa*) which obliges both the political and religious authorities to take governmental responsibility.<sup>5</sup> The relationship between the Saudi state authorities and the religious institution, along with the influence of political agendas upon the religio-legal system, are detailed with reference to religious nationalism by Al-Rasheed.<sup>6</sup> Yamani also makes an additional contribution by sketching an encompassing portrait of the Saudi socio-legal environment and social values, thus providing considerable insight into the context-based interpretations of scholars.<sup>7</sup> These academic contributions shed light on the influence of Najdī tribal effects upon the Saudi state structure and uncover the mutually reinforcing interaction between state, society and context. Fandy Mamoun's *Saudi Arabia and the Politics of Dissent* observes that official institutions maintain a conservative approach in the sphere of social regulations and mainly work in harmony with the state policy.<sup>8</sup> This research mainly asserts that religious doctrines, organisations and tools are used to control religious mobilization and to create socio-cultural dynamics that derive from the slogans of religious nationality. The propagation of local Saudi religious interpretation mainly derives from the towns of central Arabia, in particular the Najd region.<sup>9</sup> Since the majority of the ruling class in political and religious spheres are from the Najd part of the country, the strict Wahhābī understanding, which

5 Muhammed al-Atawneh, *Wahhābī Islam Facing the Challenges of Modernity: Dār al-Ifiā in the Modern Saudi State* (Leiden: Brill, 2010), 36-37, Frank E. Vogel, *Islamic Law and Legal System of Saudi Arabia* (Leiden: Brill, 2000), 173, Nabil Mouline, *The Clerics of Islam: Religious Authority and Political Power in Saudi Arabia*, trans. Ethan S. Rundell (London: Yale University Press, 2014), 120-126.

6 Madawi al-Rasheed, *A History of Saudi Arabia* (Cambridge: Cambridge University Press, 2010), 13-36.

7 Maha Yamani, *Polygamy and Law in Contemporary Saudi Arabia* (Reading: Ithaca Press, 2008), 4-10, 143.

8 Mamoun Fandy, *Saudi Arabia and the Politics of Dissent* (New York: Palgrave Macmillan, 1999), 10-22.

9 Mouline, *The Clerics of Islam*, 182, Yamani, *Polygamy and Law*, 46; Zeba Khan, "Suudi Arabistan'da Kimlik ve Ulus İnşasının Mezhepselleşmesi," *Ortadoğu Etütleri* 11, no. 1 (2019):114-141, 120.

is the identical religious character of this area, obtains a dominant position throughout Saudi Arabia. The Najdī influence within the whole area of Saudi Arabia provides evidence for a causal link between the intellectual contribution of scholars and geographical perceptions. This situation also clarifies the failure of scholars who could not develop intellectual ideas or comprehensive methodologies that exceed the national and local limits.

The focus of the paper centres around the questionable character of relationship between the theoretical statements of scholars and political practice of rulers in contemporary Saudi Arabia. The chronological changes within the Saudi religious understanding and the reflection of this perceptual shift over the political sphere will be explained in detail. After briefly giving information concerning the practice of issuing religious opinions (*iftā'*) in the Saudi politico-legal area, this article identifies the alliance between the '*ulamā'*' and '*umarā'*'. The broad explanation related to the role and position of Saudi scholars and rulers exemplifies the operative function of the *iftā'* mechanism, which assists controlling the public understanding of religion and politics. This article just focuses upon the application of the practice of *iftā'* within the politico-legal area. Although *fatwās* are traditionally identified as non-binding Islamic legal opinions, the active role of the practice of *iftā'* within the socio-legal area provides this practice with a kind of authoritative role in Saudi Arabia.

## Saudi Legal System and State Authorities

Saudi Arabia is identified with Islam more than other Muslim countries since the country is known as the cradle of Islam and hosts the two holiest places of Islam (Mecca and Medina) within its borders.<sup>10</sup> The ruler of the country, the King, presents himself as the custodian of these sacred sites (*Khadim al-Ḥaramayn*, or the servant of the two shrines).<sup>11</sup> The population is described as being entirely Muslim, so non-Muslims are not allowed to become permanent residents in the country. In this regard, it can be noted that the country does not need any legal system other than Islamic to deal with and decide any legal conflict and disagreement amongst its populace.

Since the establishment of Saudi Arabia in 1932, it has been made amply clear that the legal system of the country is based on and regulated by Islamic law. The superiority and primacy of Islamic law was formally declared in the kingdom's Basic Law of the Governance, which was legalised by the Royal

10 Bradley, *Saudi Arabia Exposed*, 5-7; Abir, *Saudi Arabia*, 68-69.

11 Kechichian, *Succession in Saudi*, 82-83.

Decree No. A/90 of 1 March 1992.<sup>12</sup> Articles 1,7 and 23 reflect the theocratic characteristic of the state that depends on religion, while Article 5 refers evidently to the monarchic feature of the state. Article 23 stipulates:

“The State shall protect the Islamic creed, apply the Shariah, encourage good and discourage evil, and undertake its duty regarding the Propagation of Islam (*da'wa*).”<sup>13</sup>

Article 5 states:

“Monarchy is the system of rule in the Kingdom of Saudi Arabia,” and “Rulers of the country shall be from amongst the sons of the founder, King Abdul Aziz bin Abdul Rahman al-Faisal al-Saud, and their descendants. The most upright among them shall receive allegiance according to the Holy Quran and the Sunnah of the Prophet (Peace be upon Him).”<sup>14</sup>

These articles clearly evidence that Saudi Arabia is a country consisting of both theocratic and monarchic elements, so it is possible to describe this state as a ‘theocratic monarchy’.<sup>15</sup> The reflection of both theocratic nature and monarchical character are also observable with the country’s legal system. Article 48 reiterates:

“Courts shall apply the provisions of Islamic Shariah to cases brought before them, according to the Holy Quran and Sunnah of the Prophet (Peace be upon Him), as well as other regulations issued by the Head of State in strict conformity with the Holy Quran and the Sunnah of the Prophet (Peace be upon Him).”<sup>16</sup>

As a result, the Saudi legal system is superimposed upon two footings of regulations: the ‘*ulamā*’s interpretations (extracted from the authoritative sources of law) and the King’s royal decrees (issued by the King concerning governmental matters and social relations). It is clearly affirmed that the Islamic legal regulations and royal decrees are the foundations of the country’s legal system. This dual nature of the legal system equalizes the orders issued by the Saudi King and government with the Islamic legal regulations. Royal decrees function as authoritative legal regulations in the absence of the Islamic legal regulations related to any issue at hand. Nonetheless, the nature of royal

12 “Basic Law of Governance,” Article 1, *Royal Embassy of Saudi Arabia*, March 1, 1992, accessed October 20, 2020, <https://www.saudiembassy.net/basic-law-governance>.

13 “Basic Law of Governance,” Article 23.

14 “Basic Law of Governance,” Article 5.

15 Simon Mabon, *Saudi Arabia and Iran: Soft Power Rivalry in the Middle East* (New York: I.B. Tauris, 2013), 106.

16 “Basic Law of Governance,” Article 42.

decrees was restricted to their conformity with Islamic law.<sup>17</sup> The two sources (Islamic legal regulations and royal decrees) govern all administrative, executive and legislative affairs of the state. When the Saudi state produces the King's royal decrees, the components mainly embody the knowledge of collective identity and the nation that can be used as evolutionary criteria to interpret *shar'ī* sources.<sup>18</sup> Thus, collective stability and national values of Saudi society are considered to be the main elements of royal decrees that enable an official judge to address the problem in the legal area.<sup>19</sup> It should be noted that the Kingdom's Basic Law of the Governance theoretically and ideally draws a picture of a traditional Islamic governance system that divides the authority between the '*ulamā*' and '*umarā*'. It does this by accentuating the importance and necessity of the obedience to the regulations issued by these two authority holders.

The Basic Law of the Governance presents a detailed explanation of each state authority, including the executive and regulatory (almost equivalent to legislative) authorities, and their duties, responsibilities and interconnections. Despite the fact that the executive and regulatory authorities represent different entities in many countries, there is almost no separation between the two in Saudi Arabia. The executive branch of the state consists of the King, the Council of Ministers, ministry subsidiaries, local governments, and other public independent and quasi-independent agencies.<sup>20</sup> Within the hierarchy of the executive structure, the King has the ultimate authority that commands all military forces, implements the policy of the nation, supervises the implementation of Islamic law, statutory laws, regulations and royal decrees, and oversees the Council of Ministers and governmental agencies. The Council of Ministers, headed by the King, is the direct executive authority that has an independent power to determine the nation's internal, external, financial, economic and defence policies and to oversee the implementation of laws, regulations and royal decrees.<sup>21</sup> Several subsidiaries such as the Supreme Council of Islamic Affairs, the National Security Council and the Higher Committee for Administrative Reform are in existence to deal with particular issues that fall within the duties and responsibilities of the Council of Ministers.

17 Vogel, *Islamic Law*, 170-172; al-Atawneh, *Wahhābī Islam*, 57.

18 Fahd ibn Maḥmūd bin Aḥmad Al-Sīsī, "Makānat al-'Urf fī al-Sharī'ati al-Islāmiyyet wa Athāruhū fī Sinni al-Inzīmati fī Mamlakat al-Arabiyya al-Su'ūdiyya" (Master's thesis, Kulliyya al-Shar'iyya fī al-Jāmi'a al-Islāmiyya, 2009), 46.

19 Yakar, "The Usage of Custom," 387, 391.

20 Esther van Eijk, "Sharī'a and National Law in Saudi Arabia," in *Sharia Incorporated: A Comparative Overview of the Legal System of Twelve Muslim Countries in Past and Present*, ed. Jan Michiel Otto (Amsterdam: Leiden University Press, 2010), 147.

21 Vogel, *Islamic Law*, 311.

Besides the executive branch, the regulatory authority exists to enact statutory laws and regulations, and to approve international treaties, agreements and concessions. This authority is generally carried out by the King, the Council of Ministers and the Consultative Council (Majlis al-Shūra).<sup>22</sup> Like the structure of the executive authority, the King has supreme power and assumes an essential legislative role in support of the Islamic rule within the structure of regulatory authority. As the head of the state, he is granted a broad discretionary power over matters related to public interest (known as the field of Islamic public policy, or *maṣlaḥa 'amma*) and issues regarding politics and governance that regulates the relationship between the ruler and his subjects (generally known as the field of *siyāsa shar'iyya*). Normally, the regulatory process needs to be approved and amended through royal decrees after first being reviewed by the kingdom's regulatory bodies (the Council of Ministers and the Consultative Council). Therefore, the King as the head of state and the chairman of the regulatory authority has an ultimate authority to enact, reject, or amend any laws and regulations through royal decrees.<sup>23</sup> Nonetheless this, the Council of Ministers and the Consultative Council share the regulatory authority with the King. Statutory rules and laws issued by the regulatory authority have legal sanctioning power as long as they do not conflict with the principles of Islamic law. This branch does only exercise its authority in the absence of a clear legal ruling within Islamic law which regulates a given issue. Article 67 states:

“...the “Regulatory Authority” shall draw up regulations and bylaws to safeguard the public interest, and eliminate corruption in the affairs of the State, in accordance with the rulings of Islamic Shariah. It shall exercise its authority in compliance with this Law and the two other laws of the Council of Ministers and the Majlis al-Shura [Consultative Council].”<sup>24</sup>

The Council of Ministers has the right to propose a bill of law and regulations on affairs related to ministers under its roof, but any decisions taken by the council, including legislative proposals and amendments, cannot be considered valid until the King approves them. In its current form, the Consultative Council assumes both mediatory and supervisory roles. It functions as a mediatory institution by reason of providing citizens' participation in the

22 Eijk, “Sharī'a and National Law,” 148-152.

23 Abdullah F. Ansary, “A Brief Overview of the Saudi Arabian Legal System,” in *Hauser of Global Law School Program*, August 2015, accessed October 25, 2020, [https://www.nyulawglobal.org/globalex/Saudi\\_Arabia1.html](https://www.nyulawglobal.org/globalex/Saudi_Arabia1.html).

24 Royal Decree A/90, March 1, 1992.

administration and decision-making process to increase public surveillance and accountability as far as possible. Additionally, it exercises a supervisory role accountable for overseeing the performance of government agencies.<sup>25</sup> It might be argued that, while the Council of Ministers has the opportunity to make new regulations, they do not have complete control over the decision-making procedure.

The Consultative Council of the Saudi legal system functions as a representative public participation because its members have the right to propose legal opinions, new amendments and necessary regulations related to public policies. The regulatory process, even though the King is the ultimate decision-maker, follows a hierarchical implementation process. In the first instance, the proposals of the Consultative Council regarding legal opinions and law drafts are subject to the approval of the King who decides which of them will be presented to the Council of Ministers in order to be evaluated for their appropriateness and practicability within the Saudi society. In the second instance, if the Council of Ministers approves those legal opinions and bills, they, once the King has granted his approval, are issued as legal resolutions and decisions. It can be clearly observable that each regulatory proposal and amendment needs the approval of both councils and the King before their transformation into laws generally by way of royal decrees. By linking this hierarchical governmental structure with the ideal state opinion of Ibn Taymiyya, Eijk underscores:

“This regulatory authority corresponds to Ibn Taymiyya’s theory on Islamic leadership: rulers are allowed to issue regulations necessary for government policy (*siyasa shar‘iyya*), provided the legislation serves the public good and that it only complements, and certainly does not, contradict, *sharī‘a*.”<sup>26</sup>

The regulatory system of Saudi Arabia, therefore, operates in connection with three fundamental actors which are the state’s authority, jurisprudential practicability and religious approval.

## Establishment of the Official Religious Institution

Many bureaucratic and institutional structures have been established, and the religious scholars started to undertake active roles in these official state bodies. After the discovery of oil, the Saudi state has started to implement

25 Ansary, “A Brief Overview.”

26 Eijk, “Sharī‘a and National Law,” 156.

an institutionalization policy within the administrative and governmental areas of the kingdom including the religious arena.<sup>27</sup> By connecting the rapidly changing economic situation with the modernisation agenda of Saudi government, Eijk states: "In several areas, new legislation was promulgated to keep up with the economic developments and to advance the transformation of Saudi Arabia into a modern nation-state."<sup>28</sup> The institutionalisation policy has enabled the standardisation of the Saudi government's bureaucratic system and strengthened the authority of the ruler within both public and governmental spheres.

The establishment of the Dār al-Iftā' in 1953 as a part of the modernisation process in Saudi Arabia is a historic moment that symbolises the incorporation of the 'ulamā' into the Saudi state machinery. The official foundation procedure of the Dār al-Iftā' has experienced chronological steps which evidence the influence of political atmosphere over the institution. In the first instance, Shaykh Muḥammad ibn Ibrahim Āl al-Shaykh (d.1969) was appointed as the official state Grand Muftī in 1952 by King 'Abd al-'Azīz Ibn 'Abd al-Raḥmān Āl-Sa'ūd (d. 1953).<sup>29</sup> Ibrahim Āl al-Shaykh was aware of the necessity of the establishment of a religious institution because the kingdom in almost all of its areas was experiencing the institutionalisation and modernisation process.

In the second instance, after the death of King Abd al-Aziz in 1953, the Dār al-Iftā' was officially established with the initiatives of Ibrahim Āl al-Shaykh and the new King Sa'ūd. King Sa'ūd protected the privileged position of Ibrahim Āl al-Shaykh as the state's Grand Muftī and the head of religious agencies within the state. Ibrahim Āl al-Shaykh took the responsibility of controlling the 'ulamā' who had been acting individually and freely before the institutionalisation. Being the head of the institution, he had the right to issue *fatwās* on various aspects of life and to appoint judges, *imams*, and teachers for religious education.<sup>30</sup> Thus, the foundation of an official religious institution gives rise to the emergence of an elite group with legal privilege among the 'ulama' besides combining religious and state authority. Additionally, King Sa'ūd abdicated the throne in 1964 and this coincided with the last years of Ibrahim Āl al-Shaykh as the state's Grand Muftī.<sup>31</sup> Upon the abdication of King Sa'ūd in 1964, the new leader became King Faisal Ibn 'Abd al-'Azīz Āl-Sa'ūd (d. 1975) who obtained the support from the senior members of the Royal family and 'ulamā including Ibrahim Āl al-Shaykh, 'Abd al-Malīk ibn

27 Kechichian, *Succession in Saudi*, 39, 47, 50,

28 Eijk, "Sharī'a and National Law," 146.

29 Al-Atawneh, *Wahhābī Islam*, 6 and Mouline, *The Clerics of Islam*, 149.

30 Mouline, *The Clerics of Islam*, 133.

31 "King Saud bin Abulaziz Al Saud Royal Lineage Profile," *House of Saud Saudi Royal Family*, accessed December 2, 2020, <https://houseofsaud.com/profiles/kings-of-saudi-arabia/>.

Ibrāhīm, ‘Abd al-Azīz ibn Bāz, and Muḥammad in Harakān.<sup>32</sup> King Faisal, even though he desired to cut the claws of the Dār al-Iftā’, did not want to take the risk of facing Ibrahim Āl al-Shaykh’s opposition. The hesitation of King Faisal was linked with the soft power of Ibrahim Āl al-Shaykh because he was an influential charismatic religious figure who had enough capacity and capital to mobilise large masses.<sup>33</sup> Therefore, the Dār al-Iftā’ had operated like a one-man institution until the death of Ibrahim Āl al-Shaykh in 1969.<sup>34</sup> After his death, King Faisal abolished the office of the state’s Grand Muftī and started to implement new regulations concerning governmental institutions.

After the abolishment of the office, King Faisal began to implement his aspiration regarding the Dār al-Iftā’ that was in his ‘The Ten Points of Reform (*al-Nuqādu al-‘Ashru li al-Iṣlāḥ*)’ program.<sup>35</sup> The Ten Points of Reform strategy has the following aspirations: 1. To promulgate a fundamental law, establishing the relationship between the ruler and those being ruled, and to define state administration; 2. To regulate the provincial administration; 3. To establish a Ministry of Justice; 4. To establish an *iftā*’ council; 5. To propagate Islam (*da‘wa*); 6. To reform the Committee for Commanding Right and Forbidding Wrong; 7. To improve the nation’s quality of life; 8. To issue new regulations accommodating new social developments and economic changes; 9. To promote financial and economic development; and 10. To abolish slavery in the kingdom.<sup>36</sup> The first six clauses directly relate to organising the religious institutions and a legal system in harmony with the Islamic rulings.

In the third instance, on August 29, 1971, the Dār al-Iftā’ was reconfigured in accordance with Royal Decree A/137, and two new agencies formed within the structure of the Dār al-Iftā’. These are known as; *Hay’at Kibār al-‘Ulamā*’ (Board of Senior ‘*Ulamā*’; henceforth: BSU) and *al-Lajna al-Dā’ima lil-Buḥūth al-‘Ilmiyya wal-Iftā*’ (Permanent Committee for Scientific Research and Legal Opinion; henceforth: CRLO). King Faisal appointed the prestigious and prominent ‘*ulamā*’ of the kingdom to these two public institutions in order to serve within the state administration, conduct religious research and issue *fatwās*. The appointment of the members to these institutions was allocated to the King by the Royal Decree A/4, and this considerably restricted the ‘*ulamā*’s area of movement. After the structural alteration, the Dār al-Iftā’ assumes, to a great extent, a kind of advisory role within the legal machinery

32 Kechichian, *Succession in Saudi*, 43.

33 Mouline, *The Clerics of Islam*, 148-149.

34 Al-Atawneh, *Wahhābī Islam*, XIII.

35 “Al-Malik Faiṣal Ibn ‘Abd al-Azīz,” *King Faisal Foundation*, accessed December 2, 2020, <https://www.kff.com/ar/King-Faisal.html>.; “Ministerial Statement of 6 November 1962 by Prime Minister Amir Faisal of Saudi Arabia,” *Middle East Journal* 17, no. 1/2 (1963): 161- 162.

36 “Ministerial Statement,” 161- 162.

of Saudi Arabia. Holding the kingdom's most prestigious senior 'ulamās, the institution was assigned to issue *fatwās* (Islamic legal opinions) to questions directed to the institution by the King, the Saudi government and individual people (either Saudi or non-Saudi). The institution operated with this structure during the reign of King Khālid ibn 'Abd al-'Azīz Āl-Sa'ūd (d. 1982) who ruled the kingdom from 1975 to 1982.<sup>37</sup> After the decease of King Khālid, King Fahd ibn 'Abd al-'Azīz Āl-Sa'ūd (d. 2005) became the fourth King of Saudi Arabia and governed the state until his death.<sup>38</sup>

In the last instance, the institutionalisation process of 'ulamā' was completed with the reestablishment of the Office of the Grand Muftī in 1993 and Shaykh 'Abd al-Aziz ibn Baz (d. 1999) was appointed to this position by Royal Decree A/4 that was issued by King Fahd.<sup>39</sup> After the demise of 'Abd al-Aziz ibn Baz in 1999, 'Abd al-'Azīz ibn Āl al-Shaykh was appointed as the state's Grand Muftī by King Fahd, and he still continues his position at the institution. The reestablishment of the Office of the Grand Muftī can be accepted as the recentralisation of the Dār al-Iftā' but the authority of this newly reinstalled Office of the Grand Muftī was mainly limited to the practice of *iftā'*. The comparison with the previous Office of the Grand Muftī reveals the truth that Ibrahim Āl al-Shaykh had exercised a broader authority by holding a variety of religious and non-religious official positions, including the supervisor of girls' education and the Office of Chief Qāḍī.<sup>40</sup>

Prior to 1993, the Dār al-Iftā' had been known as the General Presidency of the Directorate of Scientific Studies for the Issuance of Fatwās and the Propagation of Islam and Religious Guidance (*al-Ri'āsa al-'Āmma li Idārat al-Buḥūth al-Ilmiyya wal-Iftā' wal-Da'wa wal-Irshād*) and was afforded powers which enabled it to operate as a far-reaching governmental *iftā'* agency.<sup>41</sup> It was specifically tasked with *da'wa* (the propagation of Islam) and

37 Kechichian, *Succession in Saudi*, 48; "King Kahlid bin Abulaziz Al Saud Royal Lineage Profile," *House of Saud Saudi Royal Family*, accessed December 2, 2020, <https://houseofsaud.com/profiles/khalid-of-saudi-arabia/>.

38 Kechichian, *Succession in Saudi*, 57; "King Fahd bin Abulaziz Al Saud Royal Lineage Profile," *House of Saud Saudi Royal Family*, accessed December 2, 2020, <https://houseofsaud.com/profiles/fahd-of-saudi-arabia/>.

39 Royal Decree A/4, July 9, 1993 in *Umm al-Qurā*, July 15, 1993. See, Muhammed al-Atawneh, "Is Saudi Arabia a Theocracy? Religion and Governance in Contemporary Saudi Arabia," *Middle Eastern Studies* 45, no. 5 (September 2009): 728.

40 Mouline, *The Clerics of Islam*, 121, 122.

41 In 1970, the name of Dār al-Iftā' wal-Ishrāf 'alā al-Shu'ūn al-Dīniyya (Institute for the Issuance of Religious Legal Opinions and the Supervision of Religious Affairs), which was established under the chairmanship of the Grand Muftī, Shaykh Muḥammad Ibn Ibrāhīm in 1953, was changed to be the General Presidency of the Directorate of Scientific Studies for the Issuance of Fatwās and the Propagation of Islam and Religious Guidance (*al-Ri'āsa al-'Āmma li-Idārat al-Buḥūth al-Ilmiyya wal-Iftā'*, *wal-Da'wa wal-Irshād*). See Abd al-Rahmān al-Shalhūb, *Al-Nizām al-Dustūrī fi al-Mamlaka al-'Arabīyya al-Sa'ūdiyya bayna al-Sharī'a al-Islāmiyya wal-Qānūn al-Muqāran*, (Riyadh: Maktabat Fahd al-Wataniyya, 1999), 219; al-Atawneh, *Wahhābī Islam*, 24.

*irshād* (religious guidance). In promoting *da'wa*, the directorate conducted research on Islam and Wahhābīsm. In addition, it also trained preachers before appointing them to internal and international positions.<sup>42</sup> The directorate's main objective was to disseminate Wahhābī doctrine and principles. With a view to achieving this end, it published books, magazines, pamphlets and periodicals which set out the Wahhābī theological and legal interpretation of Islam.<sup>43</sup> Important examples included the *Majallat al-Buḥūth al-Islāmiyya*<sup>44</sup> and *al-Da'wa*<sup>45</sup>, both of which were published by the Directorate.<sup>46</sup> During 1993, the tasks of propagating Islam (*da'wa*) and providing religious guidance (*irshād*) were transferred to the Ministry of Islamic Affairs, Endowments, [Religious] Instruction and Preaching.<sup>47</sup>

However, the current role of the institution (after the reestablishment of the Office of the Grand Muftī in 1993) is now largely confined to the issuance of *fatwās* and inspecting legal and theological publications such as *Majallat al-Buḥūth al-Islāmiyya*, its own official internet website,<sup>48</sup> along with *fatwās* issued by the BSU and CRLO and books written by BSU members.<sup>49</sup> Although the Directorate is currently known as the General Presidency of Scholarly Research and Ifṭā' (*Al-Ri'āsa al-Āmma lil-Buḥūth al-Īlmiyya wal-Ifṭā'*), a number of its key functions remain in place. These include the management of official scholars and the supervision of preachers and religious associations within the state.<sup>50</sup>

42 Ayman Al-Yassini, *Religion and State in the Kingdom of Saudi Arabia* (Colorado: Westview Press, 1985), 70-71; al-Atawneh, *Wahhābī Islam*, 24.

43 Al-Yassini, *Religion and State*, 71.

44 Since 1975, this periodical has been published with the intention of promoting the Wahhābī theological and legal perspective and condensing the Dār al-Ifṭā's collected *fatwās*. See Mouline, *The Clerics of Islam*, 155; Al-Atawneh, *Wahhābī Islam*, XX.

45 This Islamic legal periodical was established through the commitment of the Grand Muftī Shaykh Muḥammad ibn Ibrāhīm and the financial and logistical support of the royal house. It soon became established as the foremost documentary source of the Wahhābī view and the Dār al-Ifṭā's collected *fatwās*. It is still currently published as the CRLO weekly journal. See Mouline, *The Clerics of Islam*, 140; Al-Atawneh, *Wahhābī Islam*, XX.

46 Mouline, *The Clerics of Islam*, 155.

47 Al-Shalhūb, *Al-Niẓām al-Dustūrī*, 219.

48 In 2007, the Dār al-Ifṭā' launched an official website which published *fatwās*. It provides quick and straightforward access to the *fatwās* which the institution has promulgated. Visitors are able to ask

Islamic scholars a range of questions. The site also includes a bank of *fatwās* issued by prominent Islamic scholars, with considerable space being set aside for the *fatwās* of Shaykh 'Abd al-'Aziz Ibn Bāz (d. 1999), Saudi Arabia's former Grand Muftī. See Mohammad Abdalla, "Do Australian Muslims Need a Muftī? Analysing the Institution of *Ifṭā* in the Australian Context," in *Law and Religion in Public Life the Contemporary Debate*, edited by Nadirsyah Hossen and Richard Mohr, (Oxon: Rutledge, 2011), 220; Mouline, *The Clerics of Islam*, 155.

49 Mouline, *The Clerics of Islam*, 155-156.

50 Mouline, *The Clerics of Islam*, 155-156.

During the initial period of the kingdom, the Saudi scholars (*mufītīs*) had individually and independently delivered *fatwās* to the questions of Saudi people since they had practiced *iftā'* in an informal and traditional manner. As a result of the institutionalisation process, the '*ulamā*' gradually started to lose their independency and turned into a semi-independent institution under the authority of the Grand Muftī. However, the '*ulamā*' still had their voice and power over the political policies of the state on account of the charismatic and authoritative personality of Ibrahim Āl al-Shaykh. Nonetheless this, the Dār al-Iftā' developed into a state-dependent institution whose jurisdiction and members are all determined by the King, with the reconfiguration of this institution in 1971 and with the reestablishment of the Office of the Grand Muftī in 1993. Today, the BSU and the CRLO, that together function under the authority of the state Grand Muftī, constitute the Dār al-Iftā' which is the highest religious official authority in interpreting the sources of *sharī'a* and issuing *fatwās*.<sup>51</sup> Therefore, the offices of BSU and CRLO operate as sub-branches of the Dār al-Iftā' and their activities are contingent upon the approval of the Grand Muftī since the last structural arrangement that was ordered by King Fahd.

In being confronted by a novel issue that was not directly addressed by the Qur'anic injunction or textual sources, the '*ulamā*' instruct the pursuit of a dominant opinion (the approach taken by most Ḥanbalī scholars) or a preferred opinion (the approach based on what is contextually performed or what is socially desirable). It is maintained that both could be employed in accordance with circumstances, but the '*ulamā*' do not set specific techniques that are recommended for identifying when each approach can be applied. Since its establishment, the Dār al-Iftā' has been carrying out the practice of *iftā'* to provide the religious knowledge and guidance to Muslims inside and outside Saudi Arabia. The publication and introduction of *fatwās* to the whole Saudi society resulted in the role of the practice of *iftā'* changing in a way that it started to become an important instrument of Saudi politico-legal machinery and that it also developed into a mechanism that formulates socially binding norms in addition to legal and judicial regulations. It could be assumed that the overall orientation is itself closely intertwined with the contextual environment that the decisions are grounded within a wider set of social, cultural and political assumptions.

Although the Dār al-Iftā' is not an official part of the regulatory authority, since its establishment it has been functioning as an advisory authority that

51 The structural hierarchy of the Dār al-Iftā' and its substructures see Al-Atawneh, *Wahhābī Islam*, 16-17, 24-31, 181.

evaluates issues directed to them in terms of their appropriateness with Islamic law. The official existence of this institution, which has been recognised by Article 45 of the Basic Law of the Governance, refers to the fact that the state has a control-mechanism evaluating the legitimacy of regulations in light of Islamic law. The informal participation of this institution in the regulatory process in many cases alludes to the Islamic character of the Saudi legal system and also crucially enables the public obedience to royal decrees, regulations and laws legislated by the regulatory authorities. It should be noted that there exists a hierarchical mechanism within the Saudi executive and regulatory systems, with the appropriation of the absolute authority of the right to say an ultimate decision upon any issue to the King. The Dār al-Iftā' assumes the role of advisory authority by bringing any matters directed to itself to the table with the intent of producing an Islamic legal opinion (*fatwā*) or examining their conformity with Islamic law.

### **The Application of the Practice of Iftā' in the Saudi Politico-Legal Area**

The objective of creating the virtuous Muslim society has become the principal religious agenda of Saudi government.<sup>52</sup> The Saudi authorities derive the puritanical religious strategy and the idea of an authentic Muslim state from Ibn Taymiyya's (d. 1328) religious purification opinion and his concept of heretical innovation (*bid'a*).<sup>53</sup> Religious organisations of Saudi Arabia, in harmony with this policy, seek to propagate their practices and tenets outside their own country with the aim of achieving universal religious expansion. This religious strategy has been achieved by publishing religious literature or establishing international religious organisations. The international religious foundations that are supported by the Saudi state, therefore, place particular emphasis upon the establishment of operational Islamic legal systems. The success of government policy regarding religion could be evaluated with reference to the spread of these publications and the international expansion of Wahhābī based religious interpretation.

Saudi Arabia is one of Muslim countries that applies Islamic law in its legal system, so the country's legal system is based on the Qur'an and Sunna.

52 Sebastiano Andreotti, "The Ikhwan Movement and Its Role in Saudi Arabia's State-Building," in *State Formation and Identity in the Middle East and North Africa*, ed. Kenneth Christie and Mohammad Masad (New York: Palgrave Macmillan, 2013), 93-94.

53 Ahmad Ibn 'Abd al-Ḥalīm Ibn Taymiyya, *Majmū' al-Fatāwā* (Dār al-Wafā', 2005), vol 3, 279, 280; Sümeyra Yakar, "The Consideration of *Bid'a* Concept according to Saudi and Iranian Scholars," *Mazahib Jurnal Pemikiran Hukum Islam* 19, no. 20 (December 2020): 227-229.

Since the Saudi constitution is rooted within the Quran and Sunna, it can be argued that the country's legal system carries the influence of the official religious institution.<sup>54</sup> The Dār al-Iftā' has the highest religious authority and is responsible for issuing Islamic legal opinions and rules based on Islamic legal sources. Article 45 states:

“The Holy Quran and the Sunnah of the Prophet (Peace be upon Him) shall be the sources for fatwas (religious advisory rulings) in the Kingdom of Saudi Arabia. The law shall specify the hierarchical organisations for the composition of the Council of Senior Ulama, the Research Administration of Religious Affairs, and the Office of Mufti, together with their jurisdictions.”<sup>55</sup>

The article establishes that the institution must be accepted as the main interpretative mechanism of Islamic legal sources, and the institution is arranged in a hierarchical order. The Articles concerned with religious issues evince two main pillars that the Saudi state was superimposed upon: the political authority ('*umarā'*) and the religious authority ('*ulamā'*). It is worth noting that the essential character of two pillars might be considered as a reflection of the classical *siyāsa shar'iyya* doctrine of Islamic law which was designed by Ibn Taymiyya.<sup>56</sup> Vogel, who connects the Saudi state structure with Ibn Taymiyya's opinion, quotes from him, “Those in command ('*ulū al-amr*') are of two types: the scholars ('*ulamā'*) and the rulers (*umarā'*). If they are sound, the people are sound but, if they are corrupt, the people are corrupt.”<sup>57</sup> The political doctrine of *siyāsa shar'iyya* was formulated by Muslim scholars with the intent of providing social and political stability within any Muslim community. Ibn Taymiyya is one of the prominent Muslim scholars who formulated this political doctrine within the Ḥanbalī school of law. In his view, an Islamic state should be ruled by two equal authorities: '*umarā'*' and '*ulamā'*'.<sup>58</sup> The former should govern the society by implementing Islamic law while the latter should oversee the governance of rulers. This political doctrine was resurrected by 'Abd al-Wahhab in order to build an

54 “Basic Law of Governance,” Article 1 and 7.

55 “Basic Law of Governance,” Article 45.

56 The doctrine of *siyāsa shar'iyya* is a fundamental legal doctrine that establishes the relationship between the ruler and his subjects in an Islamic state. The term refers to the political authority of making regulations that give benefit to the governed community and do not contradict with the general principles of religion or sharī'a. See, H. Yunus Apaydın, “Siyāset-i Şer'iyye,” *TDV İslam Ansiklopedisi* 37 (2009): 299-304; Vogel, *Islamic Law*, 173.

57 Vogel, *Islamic Law*, 203, 207.

58 Ahmad Ibn 'Abd al-Ḥalīm Ibn Taymiyya, *Al-Siyāsa al-Sharriyya fī Işlāhi al-Rā'ī wa al-Ra'iyya* (Riyadh: Wezārat al-Shu'ūn al-İslāmiyya wa al-Da'wa wa al-Irshād al-Su'ūdiyya, 1988), 5-10.

alliance between the Saud family and the Wahhābī religious establishment. At the beginning of the 19<sup>th</sup> century, King Āl-Sa‘ūd broadly used the established alliance as an efficient tool to consolidate the substructure of the Saudi state. Taking into consideration the complementary function of the alliance, the concept of religious innovation (*bid‘a*) was applied persuasively by ‘Abd al-Wahhab and the Saud family in order to justify the rebellion against the present authorities of that time and to control the religious understanding of the society.<sup>59</sup> Since the territory of Saudi Arabia was governed by the Ottoman Sultanate before the establishment of the kingdom, the extreme interpretation of Wahhābī scholars concerning religious orders produced a justification to rebel against the official authority.<sup>60</sup> The Wahhābī religious movement and the interpretation of *siyāsa shar‘iyya* doctrine therefore provided some benefits to the Saudi ruling elite to erect the Saudi state on sound footings.<sup>61</sup>

Within contemporary Saudi Arabia, the practice of *iftā’* (which is performed by the Dār al-Iftā’) has visible and invisible influences concerning the relationship between the ‘*umarā’* and ‘*ulamā’* in three fundamental areas; judicial, constitutional and politico-legal.<sup>62</sup> In the first instance, Wahhābism, as Rasheed states, was applied by the Saudi royal family as an identity maker in the nation building process.<sup>63</sup> The region could be likened to being a patchwork that consisted of a number of different tribes, sectarian groups and social clans, each of which has its own distinctive characters and identities. It is obvious that the doctrine of *siyāsa shar‘iyya* is the most important instrument in the hands of authority-holders, which renders the state as the final authority even on religious matters. The official *fatwās* issued by the Dār al-Iftā’ provide a flexible legal mechanism that promotes the relationship between politics, religion and society; this institutes one of the most important legal sources of the Saudi State whose scope extends across a range of political, religious and social issues. Hence, the teachings of Wahhābism were introduced as an influential and consolidative tool that give the Saudi people a common identity.

In the second instance, the Saudi ruling elite, as Büyükkara states, used this religious movement and political doctrine to legitimate its rule over the

59 Andreotti, “The Ikhwan Movement,” 94, 96-98; Yakar, “The Consideration of *Bid‘a*,” 227-228.

60 Bradley, *Saudi Arabia Exposed*, 7-9.

61 Vogel, *Islamic Law*, 174-176, 203-205, 208-210.

62 There is an article that explains the usage of religious sources and rulings within the contemporary jurisprudential system of Saudi Arabia. See, Sümeyra Yakar, “The Usage of Custom in the Contemporary Legal System of Saudi Arabia: Divorce on Trial,” *Kilis 7 Aralık Üniversitesi İlahiyat Fakültesi Dergisi* 6, no. 11 (2019): 376-378.

63 Madawi Al-Rasheed, *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia* (Cambridge: Cambridge University Press, 2013), 43-45.

territory.<sup>64</sup> A more than 250-years alliance between the 'umarā' and 'ulamā' has enabled ingraining a kind of state ideology in which the state is in need of a religiously legal statement or consent when making any decision regarding the state, society and politics. In this alliance, the Saudi government has gotten the upper hand over the 'ulamā'. Therefore, the 'ulamā' came to be subservient to the ruling family when they began to operate as government functionaries within the borders of the Dār al-Iftā' which is state-dependent as the highest religious institution.<sup>65</sup> As a case in point, the political tension between King Sa'ūd 'Abd al-'Azīz and Crown Prince Faisal increased in the 1960s which resulted in the abdication of King Sa'ūd in favour of Crown Prince Faisal in 1964.<sup>66</sup> After the palace revolution, Crown Prince Faisal and his allies asked a *fatwā* from the head of the Dār al-Iftā' on 29 March 1964 in order to legalize his authoritative position. Twelve respectable 'ulamā including Ibrahim Āl al-Shaykh issued a *fatwā* confirming Prince Faisal as the ruler of the kingdoms' internal and external affairs and preserving the honourable position of the ousted King, Sa'ūd 'Abd al-'Azīz.<sup>67</sup> In a manner that was similar to Faisal's, on 21 June 2017, Crown Prince Mohammad bin Salman requested a *fatwā* from the religious institution in order to consolidate his governmental position after the death of his father.<sup>68</sup> The issued *fatwās* aimed to legalise the new status of the rulers depending on recent and contemporary political changes without offering a detailed methodology or textual sources. The roles of the 'ulamā and *fatwās* in these sensitive political circumstances slightly alter in accordance with the provisions set out by the kingdom and symbolise their obedience to the ruler. Despite the fact that the independent character of the 'ulamā' has incrementally eroded, the Saudi Government required and still requires, their approving consent regarding the religious nature of the state.

Last but not least, the ruling family has used Wahhābīsm as a social control mechanism that forms and monitors the Saudi people's social or private lives.<sup>69</sup> This is achieved through the official institutions, such as the Sharī'a courts and the Committee for Encouraging Virtue and Preventing Vice (known as

64 Mehmet Ali Büyükkara, *Ihvan'dan Cuheyman'a Suudi Arabistan ve Vehhabilik* (İstanbul: Klasik, 2018), 48-50; Andreotti, "The Ikhwan Movement," 94-98.

65 Emine Enise Yakar, "The Influential Role of the Practice of *Iftā'* in Saudi-Politico-Legal Arena," *Manchester Journal of Islamic Law and Practice* 16, no. 1 (2020): 35-38.

66 Kechichian, *Succession in Saudi*, 39, 43.

67 Mouline, *The Clerics of Islam*, 122, Kechichian, *Succession in Saudi*, 43.

68 Simon Mabon, "It's a Family Affair: Religion, Geopolitics and the Rise of Mohammed bin Salman," *Insight Turkey* 20, no. 2 (2018): 53-54; Ben Hubbard, "Saudi King Rewrites Succession, Replacing Heir with Son, 31," 21 June 2017, The New York Times, accessed October 25, 2020, <https://www.nytimes.com/2017/06/21/world/middleeast/saudi-arabia-crown-prince-mohammed-bin-salman.html>.

69 Al-Rasheed, *A Most Masculine State*, 90,

*mutawwi'a*).<sup>70</sup> All of which have forcefully and formally enforced the official Wahhābī scholars' strict (or more generally literal) interpretation of the Qur'an and Sunna. The '*ulamā*' applied the practice of *iftā*' to promulgate and impose their legal thought within Saudi Arabia. The doctrine of *siyāsa shar'iyya* establishes how the fear of anarchy and civil war influenced the contemporary official '*ulamā*' when they addressed themselves to the fundamental legal doctrine that formulizes the relationship between the government and its subjects. Obligatory obedience to the Saudi Government ensures political stability and enables the '*ulamā*' to retain their position in the state and implement their interpretation of Islamic law in Saudi society. Throughout time, the key elements of social and legal order have been provided with the *fatwās* which are based upon the literal legal understanding of the '*ulamā*'. In this respect, it can be observed that the mechanism of *iftā*' has become an instrumental element for unifying the nation, legitimising political decisions and controlling the population.

That is to say, the *fatwās* turned into imposing and enforcing social, religious, political and legal regulations over time with the Dār al-Iftā's authorisation of issuing *fatwās*. In addition to this, the Dār al-Iftā' and its *fatwās* come informally into play within the politico-legal area whenever the Saudi government faces any complex issue that needs religious legitimation. This demonstrates that the '*ulamā*' play an important role in placating the populace's resentment and in legitimating the policies of the Saudi government. With regard to the relationship between the official '*ulamā*' (in particular the BSU) and the Saudi government, it is conceivable that their relationship will continue for the foreseeable future. The approval of new rulers, the prohibition of public protests and the royal decree that restricts the right to issue *fatwās* both provide clear evidence of a reciprocal relationship that continues to function.<sup>71</sup> The protection extended by the ruling dynasty therefore, to a certain extent, enables the highest official religious authority to continue to exercise authoritative power. Upon this basis, it may be argued that the Wahhābī doctrine of *siyāsa shar'iyya* provides the most active, elastic and influential mechanism that grounds the mutual partnership between the official religious institution and the government while also promoting social stability in the Saudi Kingdom.

70 This is the religious police, more generally known as *Muṭawwi'a*. See, Al-Atawneh, *Wahhābī Islam*, 2, 51.

71 Yakar, "The Influential Role of the Practice," 43-47.

## Conclusion

The interdependency between the '*ulamā*' (religious scholars) and '*umarā*' (political leaders) establishes them as the principal agents charged with determining and controlling the interpretation of Islamic legal sources and the content of legal regulations that govern the life of Saudi society. The dynamic interaction of religious legitimacy and state authority also strengthens the position of institutions in the eyes of the Saudi community. However, different circumstances and contexts have conceivably impacted their authority and the legitimate scope of their intervention. After the historical alliance between Ibn 'Abd al-Wahhāb and Muḥammad Ibn Sa'ūd was first established in 1744, changing circumstances have produced shifts in the relationship between the Saudi regime and the scholars. It is important to acknowledge this mutual dependence of '*ulamā*' and '*umarā*' because it continues to influence the interaction of religion and politics both in internal and external affairs of the Saudi government.

The interdependence of religion and state clearly echoes the Wahhābī doctrine of *siyāsa shar'īyya*. This political doctrine of modern Wahhābīsm sustains an ideology which establishes that religious power is to be exercised by the '*ulamā*' in cooperation with political figures who act pragmatically and accordingly enjoy a considerable degree of legal legitimacy as a result. It is therefore clear that the Islamic decisions and *fatwās* of Dār al-Iftā' legitimise the Saudi government's activities, juridical stances, political strategies and social interactions. In times of conflict, the state authorities put religion into play as a control mechanism that finds its roots within the functional alliance between '*ulamā*' and '*umarā*' concept. The symbolic alliance also provides considerable insight into the Saudi-Wahhābī connection and their mutual co-existence as semi-autonomous bodies within contemporary Saudi Arabia. It could be assumed that the overall orientation is itself closely intertwined with the contextual environment and that the decisions are grounded within a wider set of social, cultural and political assumptions. It is hoped that the analysis of the relationship between '*ulamā*' and '*umarā*' within contemporary Saudi Arabia will stimulate further research about the role of inextricably united authorities. The current study points towards the need for further research which should deepen readers' understanding of the ways in which the rulers authorised particularly government systems, have sought to utilise religious institutions within their control mechanism.

## Bibliography

Abdalla, Mohammad. "Do Australian Muslims Need a Mufti? Analyzing the Institution of *Ifta* in the Australian Context." In *Law and Religion in Public Life the Contemporary Debate*, edited by Nadirsyah Hossen and Richard Mohr, 214-229. Oxon: Routledge, 2011.

Abir, Mordechai. *Saudi Arabia in the Oil Era Regime and Elites; Conflict and Collaboration*. London: Routledge, 2015.

Andreotti, Sebastiano. "The Ikhwan Movement and Its Role in Saudi Arabia's State-Building." In *State Formation and Identity in the Middle East and North Africa*, edited by Kenneth Christie and Mohammad Masad, 87-113. New York: Palgrave Macmillan, 2013.

Apaydın, H. Yunus. "Siyaset-i Şer'iyeye." *TDV İslam Ansiklopedisi* 37 (2009): 299-304.

Al-Atawneh, Muhammad. "Is Saudi Arabia a Theocracy? Religion and Governance in Contemporary Saudi Arabia." *Middle Eastern Studies* 45, no. 5 (September 2009): 721-737.

—. *Wahhābī Islam Facing the Challenges of Modernity, Dār al-İftā in the Modern Saudi State*. Leiden: Brill, 2010.

Al-Rasheed, Madawi. *A History of Saudi Arabia*. Cambridge: Cambridge University Press, 2010.

—. *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia*. Cambridge: Cambridge University Press, 2013.

—. *Contesting the Saudi State: Islamic Voices from a New Generation*. New York: Cambridge University Press, 2007.

Al-Shalhūb, Abd al-Rahmān. *Al-Nizām al-Dustūrī fī al-Mamlaka al-'Arabiyya al-Sa'ūdiyya bayna al-Sharī'a al-Islāmiyya wal-Qānūn al-Muqāran*. Riyadh: Maktabat Fahd al-Waṭaniyya, 1999.

Al-Sīsī, Fahd ibn Maḥmūd bin Aḥmad. "Makānat al-'Urf fī al-Sharī'ati al-Islāmiyyet wa Athāruhū fī Sinni al-Inzīmati fī Mamlakat al-Arabiyya al-Su'ūdiyya." Master thesis, Kulliyaa al-Shar'iyya fī al-Jāmi'a al-Islāmiyya, 2009.

Al-Yassini, Ayman. *Religion and State in the Kingdom of Saudi Arabia*. Colorado: Westview Press, 1985.

Bradley, John R. *Saudi Arabia Exposed Inside a Kingdom in Crisis*. New York: Palgrave Macmillan, 2005.

Büyükkara, Mehmet Ali. *İhvan'dan Cuheyman'a Suudi Arabistan ve Vehhabilik*. İstanbul: Klasik, 2018.

Eijk, Esther van. "Sharī'a and National Law in Saudi Arabia." In *Sharia Incorporated: A Comparative Overview of the Legal System of Twelve Muslim Countries in Past and Present*, edited by Jan Michiel Otto, 139-180. Amsterdam: Leiden University Press, 2010.

Fandy, Mamoun. *Saudi Arabia and the Politics of Dissent*. New York: Palgrave Macmillan, 1999.

Ibn Taymiyya, Ahmad Ibn 'Abd al-Ḥalīm. *Al-Siyāsa al-Sharriyya fī Islāḥi al-Rā'ī wa al-Ra'īyya*. Riyadh: Wezārat al-Shu'ūn al-Islāmiyya wa al-Da'wa wa al-Irshād al-Su'ūdiyya, 1988.

—. *Majmū' al-Fatāwā*. Dār al-Wafā', 2005.

Kechichian, Joseph A. *Succession in Saudi Arabia*. New York: Palgrave, 2001.

Khan, Zeba. "Suudi Arabistan'da Kimlik ve Ulus İnşasının Mezhepselleşmesi." *Ortadoğu Etütleri* 11, no. 1 (2019):114-141.

Mabon, Simon. "It's a Family Affair: Religion, Geopolitics and the Rise of Mohammed bin Salman." *Insight Turkey* 20, no. 2 (2018): 51-66.

—. *Saudi Arabia and Iran Soft Power Rivalry in the Middle East*. New York: I.B. Tauris, 2013.

"Ministerial Statement of 6 November 1962 by Prime Minister Amir Faisal of Saudi Arabia." *Middle East Journal* 17, no. 1/2 (1963): 161- 162.

Mouline, Nabil. *The Clerics of Islam: Religious Authority and Political Power in Saudi Arabia*. Translated by Ethan S. Rundell. London: Yale University Press, 2014.

Vogel, Frank E. *Islamic Law and Legal System: Studies of Saudi Arabia*. Leiden: Brill, 2000.

Yakar, Emine Enise. "The Influential Role of the Practice of *Iftā'* in Saudi-Politico-Legal Arena." *Manchester Journal of Islamic Law and Practice* 16, no. 1 (2020): 35-61.

Yakar, Sümeyra. "The Consideration of *Bid'a* Concept according to Saudi and Iranian Scholars," *Mazahib Jurnal Pemikiran Hukum Islam* 19, no. 20 (December 2020): 219-247.

—. "The Usage of Custom in the Contemporary Legal System of Saudi Arabia: Divorce on Trial." *Kilis 7 Aralık Üniversitesi İlahiyat Fakültesi Dergisi* 6, no. 11 (2019): 371-394.

Yamani, Maha A. Z. *Polygamy and Law in Contemporary Saudi Arabia*. Reading: Ithaca, 2008.

## Internet Sources

“Al-Malik Faişal Ibn ‘Abd al-Azīz.” *King Faisal Foundation*. Accessed December 2, 2020. <https://www.kff.com/ar/King-Faisal.html>.

Ansary, Abdullah F. “A Brief Overview of the Saudi Arabian Legal System.” *Hauser of Global Law school Program*, August 2015. Accessed October 25, 2020. [https://www.nyulawglobal.org/globalex/Saudi\\_Arabia1.html](https://www.nyulawglobal.org/globalex/Saudi_Arabia1.html).

“Basic Law of Governance.” Accessed October 25, 2020. <https://www.saudiembassy.net/basic-law-governance>.

Hubbard, Ben. “Saudi King Rewrites Succession, Replacing Heir with Son, 31.” 21 June 2017, *The New York Times*, June 21, 2017. Accessed October 25, 2020. <https://www.nytimes.com/2017/06/21/world/middleeast/saudi-arabia-crown-prince-mohammed-bin-salman.html>.

“King Abulaziz Al Saud Founder of the Kingdom of Saudi Arabia.” *House of Saud Saudi Royal Family*. Accessed December 2, 2020. <https://houseofsaud.com/king-abdulaziz-al-saud/>.

“King Fahd bin Abulaziz Al Saud Royal Lineage Profile.” *House of Saud Saudi Royal Family*. Accessed December 2, 2020. <https://houseofsaud.com/profiles/fahd-of-saudi-arabia/>.

“King Kahlid bin Abulaziz Al Saud Royal Lineage Profile.” *House of Saud Saudi Royal Family*. Accessed December 2, 2020. <https://houseofsaud.com/profiles/khalid-of-saudi-arabia/>.

“King Saud bin Abulaziz Al Saud Royal Lineage Profile.” *House of Saud Saudi Royal Family*. Accessed December 2, 2020. <https://houseofsaud.com/profiles/kings-of-saudi-arabia/>.