

WAHHĀBĪ SALAFISM'S VIEW ON MAQĀSĪD AL-SYARĪ'AH

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Abstrak

This paper deals with the view of Wahhābī-Salafism on *maqāṣid al-syarī'ah* (the objectives of Islamic law) and its impact on the legal structure of their *māẓhab*. By tracing the literature of Islamic legal theories (*uṣūl a-fiqh*) written by Salafists Muslim scholars, it is argued that Salafists ignore the role of reason in interpreting religious texts. The truth is one and is located in revelation. Revelation is the first source of human knowledge and the indisputable complete final source in which human beings are torn between two extremes, command and prohibition. From this view, rationality and the development of human social sciences are deemed as *bid'ah*, irreconcilable and alien to pure Islamic thought, since they do not have an epistemic root in pre-modern Islamic tradition. Furthermore, Wahhābī salafists recognised the significance of *syarī'ah* objectives in accordance with the principle of *maṣlahah*. This view enables them to be regarded as promoting legal pragmatism in Islamic law.

Keywords: Wahhābī-Salafism, *maṣlahah*, *syarī'ah* objectives, school of Islamic law, legal pragmatism

Abstract

Artikel ini membahas tentang pandangan Salafi-Wahhabi tentang *maqāṣid al-syarī'ah* (maksud dan tujuan hukum Islam) dan pengaruhnya kepada struktur hukum mazhab mereka. Dengan menelusuri kepada literatur metodologi hukum Islam (*uṣūl a-fiqh*) yang ditulis oleh para ulama Salafi, dapat dikatakan bahwa Salafi mengabaikan peran akal dalam menafsirkan teks keagamaan. Kebenaran itu tunggal dan hanya terletak pada wahyu. Wahyu adalah sumber pertama pengetahuan manusia, dan juga merupakan sumber terakhir yang lengkap dan tidak dapat diperselisihkan, yang di dalamnya manusia terbelah dalam dua posisi ekstrim, perintah dan larangan. Dari sudut pandang ini, rasionalitas dan pengembangan ilmu-ilmu sosial dianggap *bid'ah*, sesuatu yang asing dan tidak dapat direkonsiliasikan kepada pemikiran Islam murni, karena mereka tidak mempunyai akar epistemik dalam tradisi Islam pra-modern. Selanjutnya, kaum Salafi-Wahabi mengakui signifikansi *maqāṣid al-syarī'ah* yang sesuai dengan prinsip kemaslahatan. Pandangan ini membuat mereka dianggap sebagai pengusung pragmatisme hukum dalam tradisi hukum Islam.

Kata kunci: Salafi-Wahabi, *maṣlahah*, *maqāṣid al-syarī'ah*, mazhab, pragmatisme hukum

A. Introduction

The world shows the emergence of a theological-legal movement that is relatively controversial in a Islamic discourse. This controversy lies in the fact that this movement often blames the other groups which are deemed as deviant from the true sources of Islam, the Quran and Sunnah. This group have also periodically attacked Sufism, and maintained that it is a *syirk*—referring to the worship of someone other than God—which is strictly forbidden in Islam. They are also against the idea of holding celebrations of *mawlid* and consider Muslims who celebrate *mawlid* as *musyriks* and permit killing them by the name of Islam.

This extreme view does not emerge from a vacant room. There are some principles of knowledge and methodologies forming the basis of this framework of thought, which include theology and legal thought. In terms of theology, this group derives its teachings from Muḥammad ibn ‘Abd al-Wahhāb, which was inspired by neo-Hanbalite school of Ibn Taymiyyah (15th century), representing a traditional current that is distinguished by its literal reading of Islam and its rigorist and puritanical appearance. His simple and revolutionary doctrine includes return to original Islam in order to restore Islam’s Golden Age at the time of the Prophet and his companions. To retrieve the pious precursors of Islam, ‘Abd al-Wahhāb proposed replacing the barbarous and “infidel” customs by full implementation of *syarī‘ah*. In terms of legal thought, they have adopted the school of Ibn Hanbal.

Anchored in the past, designed based on the legacy of Ibn Ḥanbal and Ibn Taymiyyah, Wahhābi legal thought and jurisprudence in contemporary era is elaborated and presented in the fatwas and writings of the current official Saudi

religious authorities: (1) The Board of Senior ‘Ulamā’ (*Hay’at Kibār al-‘Ulamā’*), and (2) The Permanent Committee for Scientific Research and Legal Opinion (*al-Lajnah al-Dā’imah li al-Buḥūs al-‘Ilmiyyah wa al-Iftā’*). In Saudi Arabia, both institutions together, under the leadership of the State Grand Muftī, constitute the highest official authority for *syarī‘ah* interpretation and play a vital role in the conduct of daily life, perhaps more than in any other country in the Middle East. These institutions are often involved in social, political, legal and judicial matters and they have published thousands of *fatwās* since their inception in 1971.

According to Doorn-Harder,¹ this Wahhābī-Salafism cuts any possibility of human interpretation in reinterpreting the traditional institutions of religious authority, but using only a limited part of the vast tradition of thought and practice of Islamic jurisprudence. Searching the empirically quantifiable values of Islam, Wahhābī-Salafism has become empty of spirituality and values such as human dignity, love or compassion. These values are the essence of Islam, and it is on which Islamic legal thought and jurisprudence is built. The question is whether or not Wahhābī-Salafism ignores the principle of *maqāṣid al-syarī‘ah*? The purpose of this essay is to describe and analyze the view of Wahhābī-Salafism about *maqāṣid al-syarī‘ah*, and its impact on the legal structure of their school of Islamic law (*maḏhab*).

B. Theoretical Background

1. Traditional Wahhābī-Salafism

The term “Wahhābī” is derived from the teachings of Muḥammad ibn ‘Abd al-Wahhāb, an eighteenth century religious zealot from the Arabian interior. This movement was inspired by neo-Hanbalite school of Ibn Taymiyya (14th century), representing a traditional

current that is distinguished by its literal reading of Islam and its rigorist and puritanical appearance. Meanwhile, Salafism (“predecessors” or “first generations”) is regarded as a Sunni Islamic movement that takes the pious ancestors as exemplary models (Salafi) of the patristic period of early Islam.² A number of different terms are used on *salafiyyah*, including salafiyyists, neo-Wahhabis, Hanbalites or neo-Islamists.³ Here, I used the term “Wahhābī Salafism” or “Salafabism”, a term coined by Khaled Abou El Fadl.⁴ Fadl argued that Salafism is a theological orientation and not a structured school of thought. Therefore, one finds a broad range of ideological variations and tendencies within each orientation.⁵ The consistent characteristic of Salafabism, Fadl argued, is a supremacist Puritanism that compensates for feelings of defeatism, disempowerment, and alienation with a distinct sense of self-righteous arrogance vis-a-vis the nondescript “other”—whether the “other” is the West, non-believers in general, or even Muslim women.

From a philosophical point of view, Wahhābī-Salafism is built on an epistemological foundation which mainly consists of three important principles: return to the Quran and Sunnah (*al-rujū’ ilā al-Qur’ān wa al-Sunnah*); unity of God (*tawhīd*); loyalty and denial (*al-walā’ wa al-barā’*). These fundamental principles and values (*al-qiyam al-asāsiyyah*) for Salafists seem to be “final and binding”, and become a starting point for their activities at a practical level.

First, for Salafists the Quran and Sunnah are the only source valid for Islamic knowledge and activities. Fragmentation and political and economic instability experienced by Muslims are due to their ignorance and deviation from the right path of Islam. Therefore, the return to the Quran and

Sunnah is the most important solution to deal with crisis confronting Muslim countries. It is carried out by way of understanding the practices of al-Salaf al-Ṣāliḥ (the pious generation). They called it “the method of Salaf” (*manhaj al-salaf*). These sources—the Quran and Sunnah—are sufficient to explain the problems of Muslim communities. The efforts to interpret religious texts by using reason will open the way for human interests, and distort the truth of Allah. This anti-intellectual approach can be seen while interpreting God’s names and attributions employing textualist method (*wujūb isbāt asmā’ Allāh ‘azza wa jalla isbātan ḥaqīqiyyan bi alfāzihā wa ma ‘ānīhā mā jā’a minhā fī al-Qur’ān al-karīm aw al-sunnah al-ṣaḥīḥah*).⁶ Muslims should accept this view according to its literal meaning, and therefore, they are not allowed to carry out *ta’wīl* (allegorical interpretation). This approach also expands to the issue of Islamic law.

Besides, Sunnah becomes the second authoritative source of Islam. This source begins to be ignored in this contemporary era, with heretic practices (*bid’ah*) and superstitions (*khurāfāt*) mushrooming among some Muslims. Therefore, it is necessary to revive the Sunnah in order to return to the authentic Islam. According to Wahhābī-Salafism, *bid’ah* emerges due to the adoption of local cultures by Islamic missionaries in their efforts to attract new converts. This blend of Islam and customs helped significantly the conversion process to Islam by making Islam accessible to wider audiences. This syncretism threatens the purity of Islamic teachings. In this context, culture is seen as the enemy for the authentic Islam, and their purification of Muslim beliefs and practices represents the example of what Olivier Roy calls “deculturation”.⁷

Second, the unity of God (*tawhīd*) is on the core of Salafist ideology. *Tawhīd*, which means “to acknowledge the oneness of God,” can be divided into three categories:⁸ *tawhīd al-rubūbiyyah* (the unity of worship),⁹ *tawhīd al-ulūhiyyah* (unity of lordship),¹⁰ and *tawhīd al-asma’ wa al-ṣifāt* (the unity of Allah’s names and attributes).¹¹ These three kinds of *tawhīd* become an axis for the Salafists mission and action at a practical level, as well as a framework to protect Islam from all things that can possibly pollute Islam, and to reject all reason-based interpretations.

Third, *al-walā’ wa al-barā’* (loyalty and denial) is one of the Salafist’s creeds and faith requirements, and it is also the firm tie (*al-‘urwah al-wuṣqā*).¹² Even, *al-walā’ wa al-barā’* is one of the important media to join in Islamic movement and to follow the right path (*manhaj al-ḥaqq*). The term *al-walā’* means “to help, love, respect, appreciate, live together with people loved either outwardly or inwardly, while *al-barā’* means “to avoid, set free, and oppose.”¹³ Based on this concept, Muslims have to show their full loyalty only to Allah, Islam and their Muslim brothers in all aspects; otherwise, they must avoid and oppose to non-islamic deeds and sayings. This means that *al-walā’ wa al-barā’* becomes an instrument to protect Muslims from negative religious innovation (*bid‘ah*), and to differentiate “true” Muslims from the others.

2. *Maqāṣid al-Syarī‘ah* (the Objectives of Islamic law)

Maqāṣid al-syarī‘ah, refers to the “deeper meanings (*ma‘ānī*) and inner aspects of wisdoms (*ḥikam*) considered by the Lawgiver in all or most of the areas and circumstances of legislation (*aḥwāl al-tasyrī‘*)”¹⁴ Historically, the idea of *maqāṣid* started to find its *raison d’être* during the time of Juwaini (d. 478H), this doctrine made its first move

from philosophy to a full-fledged method. The shift was caused by one main reasons, *uṣūl al-fiqh* was about to loose its niche which is to produce legal rulings and narrow down the scope of disagreement among Muslim scholars. Further, *uṣūl al-fiqh* was marred by the inclusion of some doctrines that had no legal bearing on the legislative process. This had prompted scholars like Juwaini to call for a definitive science, i.e: *maqāṣid al-syarī‘ah* (the objectives of Islamic law) that could bridge juristic differences and becomes a frame of legislative reference for laymen.¹⁵

Undoubtedly, the writings prior to Syātibī’s *Muwāfaqāt* such as those of Ibn Taymiyyah (d.728A.H/1343 A.D) and al-‘Izz ibn ‘Abd al-Salām (d. 660 H) constituted a clear departure from *maqāṣid* as a philosophy to *maqāṣid* as a method. By virtue of this shift, *maqāṣid* was not viewed as mere wisdoms featuring *syarī‘ah* but their ends which are inductively formulated and rationally structured within a revelational frame of reference. The method of induction applied by al-Syātibī to survey the ends of *syarī‘ah* goes beyond the conventional way of tracing the particular *maqāṣid* to formulate universal ones. The inductive method, as will be highlighted later, is a meticulous process that moves from simple enumeration to a totally different mode of legal reasoning that includes observation, classification, annulment, verification and confirmation.

Syarī‘ah, defined as a system of ethics and values covering all aspects of life (e.g., personal, social, political, economic, and intellectual), has objectives. To understand the *syarī‘ah*, one needs to comprehend its objectives, which allow flexibility, dynamism, and creativity in social policy. Al-Ghazālī said,

The objective of the *syarī‘ah* is to promote the well-being of all

mankind, which lies in safeguarding their faith (*dīn*), their human self (*nafs*), their intellect (*'aql*), their posterity (*nasl*) and their wealth (*māl*). Whatever ensures the safeguard of these five serves public interest and is desirable.¹⁶

Based on this definition, it can be inferred that the *syarī'ah* is predicated on benefiting the individual and the community, and the laws are designed to protect these benefits and facilitate the improvement and perfection of human life in this world. The *syarī'ah* uppermost objectives rest within the concept of compassion and guidance, which seek to establish justice, eliminate prejudice, and alleviate hardship by promoting cooperation support within family and society at large. *Maqāṣid al-syarī'ah* sometimes has the same meaning as *maṣlahah*, and both are frequently used interchangeably. Al-Ghazālī defines *maṣlahah* as follows:

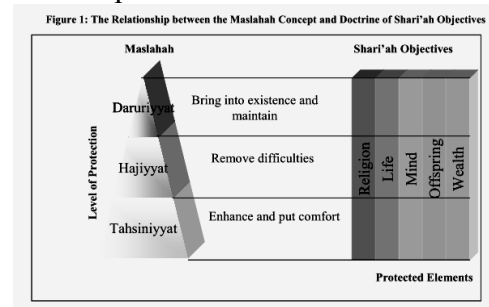
Maṣlahah is essentially an expression for the acquisition of benefit or the repulsion of injury or harm, but that is not what we mean by it, because acquisition of benefits and the repulsion of harm represent human goals, that is, the welfare of humans through the attainment of these goals. What we mean by *maṣlahah*, however, is the preservation of the *syarī'ah*'s objectives.¹⁷

Further, al-Syāṭibī defines *maṣlahah* as a principle that concerns the subsistence of human life, the completion of one's livelihood, and the acquisition of what his/her emotional and intellectual qualities require of him/her in an absolute sense.¹⁸ In fact, he singles *maṣlahah* out as being the only overriding *syarī'ah* objective broad enough to comprise all measures deemed beneficial to people, including administering justice and

worship. He further classifies *maṣlahah* into three categories: *darūriyyāt* (the essentials),¹⁹ *ḥajjiyyāt* (the complementary),²⁰ and *taḥsīniyyāt* (the embellishments).²¹

Such a classification implies how a *maṣlahah*-based methodology could be used to derive new rulings from the *syarī'ah*, meet society's changing needs, and solve contemporary problems related to socioeconomic endeavors. Thus, these principles can help establish guidelines for moral judgments and balancing the individual's self-interests with social interests.²²

The concept of *maṣlahah* and the doctrine of *maqāṣid al-syarī'ah* are quite similar at the first glance. However, in a more detailed analysis, the two concepts are actually complement and interdependent between each other. *Maqāṣid al-syarī'ah* doctrine is related with the protection of the human basic elements while *maṣlahah* is the level of protection of those elements. Figure 1 illustrates the relationship between the two concepts.



C. Wahhābī-Salafist's view on *Maqāṣid al-Syarī'ah*

1. Tradition (*naql*) over reason (*'aql*)

The relationship between reason (*'aql*) and tradition (*naql*) has never stopped to occupy the mind of philosophers and theologians since Plato's days. In Islam, the reaction to the challenge of reason has moved between two poles: (a) absolute rejection of reason as a source of knowledge of religious matters; (b) acceptance of reason as the

sole source of knowledge of religious matters.²³ Ibn Taymiyyah brings forth forty-four arguments dealing with the relationship between reason and tradition in his voluminous work *Dar' Ta'arud al-'Aql wa al-Naql*. His views can be summarised into following statement that reason is neither the basis of the existence of tradition nor the basis of the knowledge of its soundness. Furthermore, Ibn Taymiyyah sets forth a series of arguments against the rational arguments as follows: the rational arguments vary and are sometimes self-contradictory; they contain doubts; they are mixture of truth and falsehood; they do not coincide with usual linguistic use; and they are not always rational.²⁴

From the Ibn Taymiyyah's view it can be argued that the truth is one and is located in revelation. Now, since revelation is true and is expressed through both traditional and rational arguments, it cannot be contradicted by true reason. In the case of contradiction of reason and revelation, either a tradition is weak or apocryphal or a rational argument is false, revelation is put on priority. Reason, according to him, has not independent status, and the basis of reason is revelation, and that hence there can be no disagreement between the two elements.

The same is also true for Wahhābī-Salafism. Methodologically, Wahhābī-Salafists reject the role of reason in interpreting religious texts. The truth is one and is located in revelation. Revelation is the first source of human knowledge and the indisputable complete final source in which human beings are torn between two extremes, command and prohibition. This attitude towards tradition (*turāth*) is solely concerned with the "imitation of the original, the preservation of the original requirements and prohibition of going against the original." Tradition is exclusively seen as

providing a sense of direction one should not deviate from. The past is seen to provide all the answers and constantly imposes itself upon the present. According to this view, textual sources precede and should not be understood through reality; rather, reality should be understood through the text, thereby ignoring whatever reality shaped the process of text formation.

In addition, epistemologically, Wahhābī-Salafists consider rationality and the development of human social sciences as *bid'ah*, an ungodly innovation, irreconcilable and alien to pure Islamic thought. They are also hostile towards any modern theories that do not have an epistemic root in pre-modern Islamic tradition, considering feminism, democracy, and human rights issues as entirely alien to Islam and *bid'ah* from the West polluting the minds of Muslims. Therefore, this view is seen as anti-rationalism, anti-intellectualism, and strict literalism, which is hostile to humanistic epistemology, and attempts to interpret the Divine law without any degree contextualization, thereby proclaiming "the diacritical and indeterminate hermeneutic of classical jurisprudential hermeneutic as corruptions of purity of Islamic faith and law."²⁵

2. *Al-Taḥsīn wa al-Taqbīḥ al-'Aqliyyān* (Determination of Actions as Good and Evil Based on Reason)

Al-Taḥsīn wa al-taqbīḥ al-'aqliyyān is one of the controversial important issues in a theological discourse in Islam. This is to answer the question whether or not reason knows good and bad in one's deeds. In this issue, emerge three schools of thought dealing with this issue. First, Mu'tazilites argued that reason itself can depict good and bad to someone's actions. The actions or deeds have either good or bad values which make someone be praised

or blamed. Second, the dominant position of Asy'arism was a denial of the possibility of the attainment of moral truth by unaided reason and a pure and consistent voluntarism while Maturidism concurred on voluntarism while accepting that the unaided human intellect could indeed arrive at the knowledge of moral truths – specifically the Sunni Islamic major sins namely the evil of murder, theft, fornication, and intoxicants.

This issue of *al-tahsīn wa al-taqbīh al-'aqliyyān* caused Muslim scholars differ in the ascertainment of the 'illah (effective cause)²⁶ in *uṣūl al-fiqh*. The majority of jurists from the Asy'arī school of theology, for instance, defined 'illah as “determining the law” (*al-mu'arrif li al-ḥukm*). It differs from Mu'tazilites' view that God's acts are motivated by the consideration to promote people's welfare and well-being. As a consequence, actions and substances have attributes in themselves, which can be deemed either good or bad. Based on this view, jurists from the Mu'tazilī school of theology defined 'illah as “self-affecting the law” (*al-mu'aṣṣir fī al-ḥukm bi ḥātihī*) or “self-motivating the law” (*al-mūjib li al-ḥukm bi ḥātihī*).²⁷

In addition, this issue makes the Muslim scholars differ in their view of the authority of *maṣlaḥah mursalah* in the formation of Islamic law. Those who rejected the authority of *maṣlaḥah mursalah*, such as Zāhiri school of law. They based their arguments on denying the concept of *al-tahsīn wa al-taqbīh al-'aqliyyān* and *ta'līl al-aḥkām*.²⁸ Their argument is that if *al-tahsīn wa al-taqbīh al-'aqliyyān* is allowed, it is no need to the sending of the prophets since human's reason is regarded as being able to educate people and to know the law.

Furthermore, Ibn Ḥazm²⁹ argued that God in no way does anything—neither with regard to establishing legal-moral judgements nor with regard to

anything else—on account of an 'illah. If God or the Prophet stipulate explicitly that a certain ruling is because of reason *w*, or for the sake of *x*, or because *y* was the case, or on account of *z*, then we know that God has made these things reasons (*asbāb*) for those rulings precisely and only in those instances with regard to which they were stipulated as being the reasons for the rulings in question. In no way do these reasons occasion anything of the rulings in question in other than the instances explicitly mentioned in texts. Ibn Ḥazm cites as evidence against *ta'līl* in general Qur'ān 21: 23, which states: “He is not questioned for His acts, but they are questioned (for theirs).” Ibn Ḥazm interpretes this verse as a clear prohibition of asking the question, “Why?” with respect to any God's acts or laws, ruling out by necessity the ascription of any causes (*'ilal*) or reasons (*asbāb*) to these latter.³⁰

Otherwise, al-Ṭūfi argued that *syarī'ah* was revealed to promote *maṣlaḥah*. This theory is derived from the Qur'ān, Ḥadīṣ and Ijmā', which provide several arguments supporting the existence of *maṣlaḥah* in the *syarī'ah*. The first of these arguments is that all of God's acts are motivated by particular considerations; God does not act without a reason for His action, because if He were to act without purpose, His action would amount to absurdity (*'abaṣ*) and God is beyond absurdity. The Qur'ān, as a source of law, bears witness to this by providing us with the reasons (*'ilal*) for God's actions. The second argument is that God has taken it upon himself to promote the welfare of His creatures and to work for their benefit. Such an obligation emphasizes the importance God has placed on the promotion of *maṣlaḥah*. The third argument is that the Lawgiver secures the welfare of man in

every situation according to what is appropriate to that particular situation.³¹

In Salafist's point of view, someone's deed and action have either bad or good values, as they have either beneficial or malicious effects. However, these good or bad actions cannot lead to rewards or punishment for those who commit them except if there are divine revelation-based instructions which include commands and prohibitions. Before revelation comes to people, which contains commands and prohibition, bad actions do not lead to punishment although this kind of action has negative and malicious impacts.³² Al-'Usaymīn supported this view arguing that since there is no room for reason in religious domains, then reason cannot have an authority to determine actions as good and evil, particularly in religious domains. Although al-'Usaymīn recognized that rules of *syarī'ah* is based on reason, however, the reason that can be adopted must be '*aql rusyd* (mature reason). If contradiction occurs between reason and revelation (the Qur'ān and Sunnah), revelation must be prioritized over reason since revelation is the basis for knowledge and practice.³³

From this it can be inferred that traditional Wahhābī Salafist's view on *al-aḥsīn wa al-taqbīḥ al-'aqliyyān* is the same as that of Asy'arite school of Islamic theology despite the fact that Wahhābī salafist scholars refute the doctrine of this school of theology.

3. *Maqāṣid al-Syarī'ah* (the objectives of Islamic law)

The theory of the universal objectives of the law functioned to prevent moral reasoning from becoming so engrossed in particular questions that it lost sight of general principles. In contrast to the deductive method of moral theology which proceeded on a text-by-text basis, this theory was derived inductively, by a study of revelation in its

entirety. Thus, if one were to conduct an inductive study of the substantive rules of Islamic law, one would discover that it protects five universal categories of well-being (s. *maṣlahah*/pl. *masāliḥ*): (1) religion (*al-dīn*); (2) life (*al-naḥs*); (3) capacity (*al-'aql*); (4) progeny (*al-nasl*); and (5) property (*al-māl*). Within each of these five universal categories, individual rules were further classified into primary (*ḍarūrī*), secondary (*taḥsīnī*) and tertiary (*tazyīnī*) rules based upon the importance of a particular rule as a means to achieve one of the law's five universal ends.³⁴

Wahhābī salafi-jurists recognized the significance of five objectives of the *syarī'ah* that are identified with *maṣlahah* (public welfare). The consideration of *maṣlahah* seems to have been accepted as a fundamental mechanism for attaining the five objectives of the *Syarī'ah*—the preservation of religion (*dīn*), life (*naḥs*), reason (*'aql*), progeny (*nasl*) and property (*māl*). Therefore, any act that promotes these five objectives is *maṣlahah*, while any activities that do not serve these ends may be considered 'corruption' (*maḥsadah*). Significantly, identifying *maṣlahah* with the specific objectives of the *syarī'ah* is inconsistent with Ibn Taymiyyah's view, which explicitly rejects defining the objectives of the *syarī'ah* in tangible criteria, as clearly indicated in his statement:

... Some people define public interest as the protection of life, property, progeny, reason and religion. This [perception] is inaccurate. Public interest is meant to promote benefits and prevent harm ... in both mundane as well as religious matters ... so he who confines public interest to these [five objectives] ... is mistaken.³⁵

Maṣlahah, as a principle intended to sever the public good rather than to fulfill individual desires, was supported by Ibn 'Abd al-Wahhāb.³⁶ He supported

the use of *maṣlahah* because the stated purpose of the Qurʾān is to be a help and guide to humankind rather than a burden. For example, he allowed for a delay in payment of the almsgiving (*zakāh*) in case of dire necessity. This support was based on Muhammad’s ruling allowing a delay in payment in cases in which the public welfare was at stake, such as a year of drought.³⁷ However, Ibn ‘Abd al-Wahhāb was careful to note that *maṣlahah* was necessarily restricted to urgent situations and was to be used in a limited fashion. He rejected a broad usage of the principle as a general procedure for the accumulation of power or self-aggrandizement.³⁸ For example, he rejected the use of *maṣlahah* by the first caliph, Abū Bakr, to justify unlawful spending of *zakāh* (alms) for the purpose of bribery. Ibn ‘Abd al-Wahhāb declared that Abū Bakr’s claim that such spending was “for the sake of the good of the people” (*maṣlahat al-nās*) was an “awesome lie”.³⁹

Ibn ‘Abd al-Wahhāb also applied the principle of *maṣlahah* to *jihād* against unbelievers. When he discussed the treatment to be accorded to captives after *jihād*, he asserted, on the basis of *maṣlahah* and *ijtihād*, that the captives (limited to adult males) should be given the choice between death or submission to the Muslims via payment of a poll tax *jizyah*. The presentation of a choice was considered to be a matter of public interest with a dual purpose: first, to prevent greed, whether for blood or for property; and, second, to remind Muslims of their responsibility to be merciful to those who are willing to lay down their arms and submit to them.⁴⁰ Although Ibn ‘Abd al-Wahhāb considered *maṣlahah* to be an important guiding principle in the interpretation of Islamic law, he was selective in his use of the principle particularly when the broader good of the community could be served.

According to his followers—Wahhābī Salafists, *maṣlahah* is a very important principle underlying the forming of Islamic law. For instance, in a case whether to administer additional punishment to an offender in a drinking or drug case on the ground that he is recidivist, despite having been punished previously with severe punishment (*ḥadd*), Saudi’s *Hay’ah Kibār al-‘Ulamā’* (the Board of Senior ‘Ulamā’), representing themselves as choosing between two views—whether such additional punishment can include death or not—according to the demand of current *maṣlahah*, gives *qadīs* its view advocating consideration of the harshest penalty because of the current climate as to crime. The *qadī* is to make the choice of penalty for each individual case.⁴¹

Another example is Salafist’s use of *fiqh* principle “no harm and no causing of harm” (*lā ḍarar wa lā ḍirār*). The case is about landowner who built on adjoining land belonging to someone else. The trial court ruled that his building must be demolished, and the judgement was affirmed on appeal. But the Supreme Judicial Council declared that this result conflicted with the principle *lā ḍarar wa lā ḍirār* in that it would destroy the property of one who had done no wrong. The council suggested a different ruling, to which the trial court agreed, that the adjacent landowners be partners in building, one owing the land and the other the structure.⁴²

D. The Impact on the Legal Structure of *Mazhab*

Although Wahhābī salafism is claimed as promoting strict literalism, anti rationalism and anti-intellectualism, but it recognizes the significance of five objectives of Islamic law (*maqāṣid al-syarī‘ah*). The determination of *maqāṣid al-syarī‘ah* in accordance with the legal principle of *maṣlahah* enables

contemporary Wahhābī legal pragmatism. It can be seen in some cases that were given their legal solution.

The first case is related with cutting the wombs of dead women to save the lives of their fetuses. Wahhābī salafist jurists in Saudi Arabia's *al-Lajnah al-Dā'imah li al-Buḥūs al-Ilmiyyah wa al-Iftā'* allowed the womb to be cut to save the life of the newborn. They based their arguments on the legal principles of *maṣlahah* and necessity (*ḍarūrah*). They allowed for the physical violation of the Muslim body as dictated by public interest and necessity, as expressed in the legal principles: "necessities overrule prohibition" (*al-ḍarūrāt tubīḥ al-mahzūrāt*) and "choosing the lesser of two evils ..." (*irtikāb adnā al-mafsadatayn*). For Wahhābī salafist jurists in Saudi's *al-Lajnah al-Dā'imah*, public interest overrides the interest of individuals; thus, some individual Muslims may lose their lives for the sake of protecting the greater good and to stop an enemy from invading Muslim lands. Moreover, *jihād* is an obligation (*farḍ*)—Muslims must protect themselves; since there may be Muslims in enemy territory, withholding attack to spare their lives would result in neglect of this *syarī'ah* duty.

Another good example of the application of *ḍarūrah* and *maṣlahah* is found in Ibn Bāz's *fatwā* on drug abuse in which he praises those who fight drug traffickers, claiming that those who are killed during such a fight should be considered martyrs (*syuhadā'*, sing. *syahīd*):

There is no doubt that fighting alcoholism and drug abuse is considered among the high ranks of *jihād*. It is the obligation of every member of society to take part in this task, since [dangerous] drugs threaten the welfare of the entire society. Thus, he who he is killed

while fulfilling his mission is a *syahīd*. Also, those who assist in uncovering drug-traffickers will be rewarded (*ma'jūr*) for serving the public good.⁴³

Ibn Bāz's characterization of the death of 'fighters against drug-trafficking' as a form of martyrdom is based on analogy. A quick glimpse at the contents of this *fatwā* indicates that there is no effective cause, i.e., 'public interest' provides sufficient grounds for the analogy to battle field martyrs. In other words, the Wahhābīs extend the application of *qiyās* and rely more on the general principles of the *syarī'ah*, such as *maṣlahah*, than on *'illah*.

Another case includes the use of Internet. Wahhābī salafī jurists in *al-Lajnah al-Dā'imah* endorsed this based on principle of *maṣlahah*. The Internet posed a legal challenge in terms of the 'harm versus benefit' dichotomy. They realized that the Internet can serve as a powerful tool to disseminate information for social, religious and educational purposes. Syaikh Āl al-Syaikh, one of the grand *muftīs*, issued the following *fatwā*:

In my opinion, the Internet is both a blessing and a curse at one and the same time. It is a blessing as long as it used for doing God's will, commanding good and forbidding wrong. However, it is liable to be evil when it aggravates God ... I call upon the believers among women who use the Internet to use it to follow the rules of God and to spread them ... We have to disseminate the message of God, as promised by the Prophet in the *ḥadīth* in al-Bukhārī: 'God will spread this Islam until it reaches every house and under every tree.' I call upon our leaders, starting with King Fahd, Crown Prince 'Abd Allāh and the Chief Chairman of the Islamic Dissemination Council

(*Majlis al-Da'wah al-A'la*), to promulgate Internet studies primarily in schools and in society.⁴⁴

E. Conclusion

From the above discussion, it can be concluded as follows: first, in relation to reason and revelation, Wahhābī-Salafists reject the role of reason in interpreting religious texts, since the truth is only located in revelation, the first source of human knowledge and the indisputable complete final source in which human beings are torn between two extremes, command and prohibition. As a result, reality should be understood through the text, thereby ignoring whatever reality shaped the process of text formation.

Second, in terms with *al-tahsīn wa al-taqbīḥ al-'aqliyyān* (determination of actions as good and evil based on reason), Wahhābī-Salafists argued that someone's deed and action have either

bad or good values, as they have either beneficial or malicious effects. However, these good or bad actions cannot lead to rewards or punishment for those who commit them except if there are divine revelation-based instructions which include commands and prohibitions.

Third, Wahhābī salafi-jurists recognized the significance of *maqāṣid al-syarī'ah* which are identified with *maṣlahah*: religion (*dīn*), life (*nafs*), reason ('*aql*), progeny (*nasl*) and property (*māl*). The consideration of *maṣlahah* seems to have been accepted as a fundamental mechanism for attaining the five objectives of the Syarī'ah—the preservation of religion, life, property, progeny and reason. Finally, the determination of *maqāṣid al-syarī'ah* in accordance with the legal principle of *maṣlahah* enables contemporary Wahhābī legal pragmatism. This gives an impact to the structure of the Salafist's *māẓhab*.

Endnotes:

¹ Nelly Van Doorn-Harder, "Progressive Muslims On Justice, Gender and Pluralism," *Theological Studies*, Vol. 65 (September 2004), p. 665.

² Ebrahim Moosa, *Ghazali and The Poetics of Imagination* (Chapel Hill: University of North Carolina Press, 2005), p. 21.

³ Quintan Wiktorowicz, "Centrifugal Tendencies in the Algerian Civil War," *Arab Studies Quarterly*, Vol. 23, No. 3 (Summer 2001), p. 65.

⁴ Khaled Abou El Fadl, "The Ugly Modern and The Modern Ugly: Reclaiming The Beautiful in Islam" in *Progressive Moslems: on Justice, Gender and Pluralism* (Oxford: Oneworld, 2003), p. 57.

⁵ *Ibid.*, p. 58.

⁶ Aḥmad ibn Ḥanbal, *al-Masā'il wa al-Rasā'il al-Marwīyyah 'an al-Imām Aḥmad ibn Ḥanbal fī al-'Aqīdah*, Taḥqīq: 'Abd al-Ilāh ibn Salmān ibn Sālīm al-Aḥmadī, Vol. 1 (Riyāḍ: Dār Ṭaybah, 1991), p. 271.

⁷ Cited in Asep Muhammad Iqbal, "Salafism and the Internet in Contemporary Indonesia," (MA Thesis, Flinders University, Australia, 2008), p. 25.

⁸ See Aḥmad ibn Ḥajar Āl Būṭāmī al-Bina'ī, *al-'Aqā'id al-Salaḥīyyah bi Adillatihā al-Naqliyyah wa al-'Aqliyyah* (Qaṭar: Dār al-Kutub al-Qaṭariyyah, 1994), I: 24.

⁹ *Tawḥīd al-rubūbiyyah* means "to acknowledge the oneness of God in all His deeds" like the belief that God is the Lord who creates the universe, feeds His creatures, and so on.

¹⁰ *Tawḥīd al-ulūhiyyah*, which is also called as *tawḥīd al-'ibādah* or *tawḥīd al-ṭalab wa al-qaṣd*, means "to acknowledge the oneness of God in all deeds of His servants." It means that all people worships have to be dedicated only to God alone.

¹¹ *Tawḥīd al-asmā' wa al-ṣifāt* means "to acknowledge the oneness of God in His names and attributes available in the Quran and Sunnah."

¹² 'Abd al-'Azīz ibn Muḥammad al-'Abd al-Laḥīf, *Abḥās fī al-'Aqīdah* (Riyāḍ: Dār al-Waṭan li al-Nasyr, 1413 H), p. 50.

¹³ Muḥammad ibn Saʿīd al-Qaḥṭānī, *al-Walāʾ wa al-Barāʾ fī al-Islām*, 6th Edition (Makkah al-Mukarramah: Dār Ṭaybah, 1413 H), pp. 89-90.

¹⁴ Muḥammad Ṭāhir bin ʿĀsyūr, *Maqāsid al-Syarīʿah al-Islāmiyyah*, Second Edition (Jordania: Dār al-Nafāʾis, 2001), p. 251.

¹⁵ See Abū al-Maʿāfi al-Juwaynī, *al-Burhān fī Uṣūl al-Fiqh*, Edited by ʿAbd al-ʿAzīm al-Dīb (Qāhirah: Dār al-Anṣār, nd), II: 923-936.

¹⁶ Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *al-Mustasfā min ʿIlm al-Uṣūl*, Commented by Ḥamzah ibn Zuhayr Ḥāfiẓ (Jeddah: Syirkah al-Madīnah al-Munawwarah, nd), II: 482.

¹⁷ *Ibid.*, 481. Cited in Aḥmad al-Raysūnī, *Nazariyyah al-Maqāsid ʿinda al-Imām al-Syāṭibī* (Riyāḍ: Dār al-ʿAlamiyyah Kitāb al-Islāmī, 1992), pp. 41-45.

¹⁸ Cited in Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (Cambridge: Cambridge University Press, 2004), p. 168.

¹⁹ It is also named as necessity. These are things which are essential for the achievement of human being's spiritual and material well being. If these essentials are missing, the result will be imbalance and major corruption in both world and the next. Moreover, to the extent that they are lacking, there will be greater or lesser corruption and disturbance in people's lives.

²⁰ These are interest which, when fulfilled, contribute to relieving hardship and difficulty and creating ease in the lives of those accountable before the Law.

²¹ These are interest which is less important than essentials and exigencies; however, they function to enhance and complete their fulfillment; embellishments include things such as commendable habits and customs, the observance of rules of etiquette and high moral standard.

²² Asyraf Wajdi Dusuki and Nurdianawati Irwani Abdullah, "Maqasid al-Shari'ah, Maslahah, and Corporate Social Responsibility," *The American Journal of Islamic Social Sciences*, Vol. 24, No. 1 (2007), p. 33.

²³ See Binyamin Abrahamov, "Ibn Taymiyya on the Agreement of Reason with Tradition," *The Muslim World*, Vol. 92, No. 3-4 (July-October 1992), p. 258.

²⁴ Cited in *ibid.*, pp. 259-270.

²⁵ Cited in Adis Duderija, "Islamic Groups and their World-views and Identities: Neo-Traditional Salafis and Progressive

Muslims," *Arab Law Quarterly*, Vol. 21 (2007), p. 349.

²⁶ The 'illah is an element of *qiyās* (analogical extrapolation). The 'illah may be explained as the reason for which a particular law is believed to have been established by the Lawgiver. It is thus essential to know the 'illah in order to understand the law itself and to determine the scope and applicability of the law. The 'illah is important to Muslim jurists and to Muslim society because Muslims want to conform to their religion and religious law as circumstances and realities in society change.

²⁷ ʿĀyid ibn ʿAbd Allāh ibn ʿAbd al-ʿAzīz al-Shahrānī, *al-Taḥsīn wa al-Taqbīḥ al-ʿAqliyyān wa ʿĀsaruhā fī Masāʾil Uṣūl al-Fiqh* (Riyāḍ: Dār al-Kunūz Isybiliyā, 1429 H), II: 278.

²⁸ *Ibid.*, p. 324.

²⁹ Abū Muḥammad ʿAlī ibn Aḥmad ibn Saʿīd ibn Ḥazm, *al-Iḥkām fī Uṣūl al-Aḥkām*, Vol. 8 (Beirut: Dār al-ʿAfaq al-Jadidah, nd), pp. 98-99.

³⁰ See Carl Sharif EI-Tobgui, "The Epistemology of Qiyās and Taʿfil between the Muʿtazilite Abū l-Ḥusayn al-Baṣrī and Ibn Ḥazm al-Zāhirī" MA Thesis, Institute of Islamic Studies, McGill University, Montreal Canada, August 2000), pp. 77-78.

³¹ Najm al-Dīn al-Ṭūfi, *Risālah fī Riʾāyah al-Maṣlahah* (Beirut: al-Dār al-Miṣriyyah al-Lubnāniyyah, 1993), 28-30; See also Nazly Hanum Lubis, *Al-Ṭūfi's Concept of Maṣlahah: A Study in Islamic Legal Theory* (MA Thesis, Institute of Islamic Studies, McGill University, Montreal Canada, 1995), pp. 43-45.

³² Jābir Idrīs ʿAlī Āmir, *Manhaj al-Salaf wa al-Mutakallimīn fī Muwāfaqat al-ʿAql li al-Naql*, (Riyāḍ: Aḍwāʾ al-Salaf, 1998), I: 140; see ʿAlā Bakr, *Malāmiḥ Raʾisiyyah li al-Manhaj al-Salafī* (Iskandariyah: Dar al-ʿAqīdah, 2002), pp. 48-49.

³³ Cited in Sulaymān ibn ʿAbd al-ʿAzīz al-Rabʿī, "Manhaj al-Syaikh Muḥammad al-ʿUsaymīn fī al-Taʾāmul maʿa al-Daʾil al-ʿAqlī fī Masāʾil al-Iʿtiqād," Paper on the Seminar on al-Syaikh Muḥammad al-ʿUsaymīn (Qassim University), p. 1266.

³⁴ Cited in Mohammad Fadel, "The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law," *Canadian Journal of Law and Jurisprudence*, Vol. 21, No.1 (2008), pp. 50-51.

³⁵ Cited in Muhammad al-Atawneh, "Wahhābī Legal Theory as Reflected in Modern Official Saudi *Fatwās*: *Ijtihād*, *Taqīd*, Sources, and Methodology," *Islamic Law and Society*, Vol.

18 (2011), 349; See detail in Aḥmad ibn Taymiyyah, *Majmū'at al-Rasā'il wa al-Masā'il*, Vol. 5 (Beirut: Dār al-Kutub al-'Ilmiyya, 1983), p. 22.

³⁶ Cited in Natana J. Delong-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad* (New York: Oxford University Press, 2004), p. 101.

³⁷ Muḥammad ibn 'Abd al-Wahhāb, "Fatāwā wa Masā'il al-Imām al-Syaikh Muḥammad Ibn 'Abd al-Wahhāb," In *Mu'allafāt al-Syaikh al-Imām Muḥammad Ibn 'Abd al-Wahhāb* (Riyāḍ: Jāmi'at al-Imām Muḥammad bin Sa'ūd al-Islāmiyyah, 1398 H), III: 40.

³⁸ *Ibid.*, p. 23.

³⁹ *Ibid.*

⁴⁰ Cited in Delong-Bas, *Wahhabi Islam*, p. 102.

⁴¹ Cited in Frank E. Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia* (Leiden: Brill, 2000), p. 134.

⁴² *Ibid.*

⁴³ Cited in al-Atawneh, *Wahhābī Legal Theory*, p. 352.

⁴⁴ Cited in *ibid.*, p. 353.

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