Conclusion
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To study Saudi polity in relation to Shari‘a has been the focus of the thesis and an attempt has made to analyze the same in the preceding chapters. There has also been an endeavor to look into the workings of the Saudi political system whether it functions according to the rule of shari‘a or not. The Saudi royal family has consolidated a Saudi national identity by resorting to effective use of religion as an additional attribute for the legitimacy of the ruling dynasty.

In Muslim history, relations between state and religion were introduced in two ways: (a) the resources and apparatus of the state were used to promote Islam as in the time of the Prophet and the first four khalifas; and (b) Islam was mobilized to protect the state. Saudi Arabia is a modern manifestation of the latter.

Political participation in the secular Western sense is mostly absent in the West Asian region, and this is also true of Saudi Arabia. As far as the Saudi royal family and its rule is concerned, religion has provided a major and almost exclusive source for legitimacy. At the secondary level, it is the tribal
allegiance to the royal family that has sustained it for almost eighty years. It has also been argued that the promotion of national identity has been an official, as well as a practical policy. It reflects the regime’s endeavor to enhance its position and legitimacy. This sought out identity is based primarily on strict observance of Islam, and on loyalty to the House of Saud.

Saudi Arabia is a state, but not a nation in the strict sense of the term. Islam being its source of legitimacy, the nation is more outside the state boundaries of Saudi Arabia than inside it. This concept that Saudi Arabia’s collective identity is part of the nation is frequently and repeatedly underlined by the regime’s spokesmen.

Therefore, religion (primarily the Wahhabi version of Sunni Islam) has played a prominent role not only in molding the individual’s private and collective identity but also in consolidating his national values.

The Saudi constitution is the Qur’an, and the Shari’a is the source of its laws. Even the Basic Law of Government (al-nizam al-asasi li’l hukm), issued in 1992, stressed their supremacy. Moreover, in order to underline that there is no other mundane source of legislation, the use of terms such as qanun (law) and
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*musharri’* (legislator) are practically forbidden as they imply Western-style statutory enactment. They are substituted by *nizam* (regulation) and *marsum* (decree), which are supposed to complement the *Shari‘a* and not take its place.

While nationalism, usually associated with modernization and secularization, preaches the love of society and state and promotes loyalty to them, in Saudi Arabia religious faith and loyalty to the ruling family are still predominant components of the collective identity. These two elements were identified as early as the 1920s by King ‘Abd al-‘Aziz (commonly known as Ibn Saud), founder of the present Kingdom of Saudi Arabia, who was quoted as saying, “Two things are essential to our State and our people... religion and the rights inherited from our fathers.” Almost 70 years later, his son King Fahd expressed more or less the same views.

The House of Saud achieved substantial power owing to a bond with a religious harbinger. The supreme position the dynasty has enjoyed in the Arabian Peninsula for two and a half centuries arises from the facilitative acumen with which members of the Al Saud family utilize religion as a unifying instrument and as a source of political legitimacy for their rule.
The Wahhabi doctrine (derived from the Hanbali school of Sunni Islam) was first preached in Najd in central Arabia in the 1740s by a native Muslim scholar, Muhammad Ibn 'Abd al-Wahhab. The school he founded was later named after him. He called for the reinstatement of exactly the same religious, social and political customs that had been practiced by Prophet Muhammad and his followers, namely adherence to the Qur'an and the sunna as the only sources for religious conduct, and the rejection of any new element or concept introduced into Islam thereafter (those were branded as bida'). The most important Wahhabi tenet was tawhid, the oneness of God. Not only is God omnipotent, He is the one and only who is such. No person or object possesses divine traits, and so no one and nothing can or should mediate between a human being and God. The use of such an intermediary was considered shirk (polytheism, idolatry).

These were not merely theoretical theological rulings. They had considerable impact on daily life, because the cult of holy places (i.e., objects mediating between man and God) was common and widespread then in central Arabia. Muhammad Ibn
‘Abd al-Wahhab’s call for the destruction of such places shook the prevailing religious and social order in Najd.

Leaders of the local sedentary communities regarded him as a menace to peace and stability as well as a threat to their own authority. He was expelled from several places and his life was threatened. The cooperation between Muhammad Ibn Abd al-Wahhab and Muhammad Ibn Saud yielded two interrelated occurrences: the establishment of the Al Saud dynasty as the political masters of most the Arabian Peninsula and the simultaneous spread of Wahhabism and its installation as the predominant Islamic school in those same territories.

That bond between umara and ulama (statesmen and divines) marks the modern inception of the use of religion as an instrument for both consolidating a collective identity and legitimizing the ruling family. It served the interests of the two parties, in the spirit of the political writing of Ibn Taymiyya. This scholar, whose most stringent interpretation of the teachings of Ibn Hanbal (founder of the most orthodox of the four Islamic schools) was adopted by Muhammad Ibn Abd al-Wahhab, held that religion and state are indissolubly linked. Without the coercive power of the state, religion is in danger, and on the
other hand, without the *shari’a* the state becomes a tyrannical organization.

The insertion of the religious component (in the new, dynamic, version) not only facilitated continuous military victories over neighboring tribes and nearby settlements, it created a sort of a nascent Najdi territorialism. Cooperation between the Book and the Sword helped to unify the whole area and transformed the authority of dozens of local rulers into a comprehensive supra-local and supra-tribal structure. Under Wahhabi-Saudi rule, the first indications (particularly among the sedentary population) of loyalty to the ‘state’ or to the ruler appeared, which enjoyed a certain consensus. It did not, as before, have to be constantly kept alive by military victories or to be enforced by coercion, and it even survived occasional defeats. The same alliance also prevailed in the second Saudi state of the nineteenth century and in the current kingdom of Saudi Arabia.

The cooperation between Muhammad Ibn Saud and Muhammad ibn Abd al-Wahhab gave rise to a state structure that embraced the entire Peninsula. All forms of Islamic rites (and of course non-Islamic, mainly pagan) were violently
suppressed and replaced by Wahhabi tenets. The Saudi domain was actually a Wahhabi state.

Twenty years after the first Saudi-Wahhabi state was destroyed by a powerful foreign invader (Muhammad Ali of Egypt in the early nineteenth century), it was again revived. This resurrection was possible owing to the tremendous will for political survival of Muhammad Ibn Saud's descendants and to the vigor of religious fervor. Wahhabism still existed as a factor that allied the Najdi population with the Saudi dynasty.

The second Saudi-Wahhabi state fell again, this time at the hands of a neighboring Amir, a former vassal of the Saudis and a practicing Wahhabi himself.

The formation of third and present Saudi state at the beginning of the twentieth century, and its trials and tribulations on the way to its crystallization as a nation-state, have been accompanied by a continuing religio-political partnership.

Religion continued to serve as an instrument of expansion and control; nevertheless, the king's endeavors for modernization and nation building brought to the surface an imminent conflict between state and religion. The technical innovations he
introduced, such as motor vehicles and communications, essential for consolidating his authority and implementing his political aims, were prescribed by religion as *bida*. 'Abd al-'Aziz had to mobilize his *ulama* to legalize them. These religious leaders, who formerly had been responsible for encouraging and strengthening the Islamic faith in the spirit of the uncompromising Wahhabism, were now required to function as state appointees and to check manifestations of religious realism. They had to explain and justify secular reforms and changes, against which they used to preach constantly in Islamic terms. It is no wonder that some zealous Muslims, whose religious ardor until then had been fostered by the same *ulama*, questioned their religious authority and defied their rulings. A rift between Islamic revivalism on the one hand and the institutionalized religion and the state on the other, was inevitable.

In the late 1920s, this rift indeed turned into a violent conflict between the 'state' and the *ikhwan*. The state does not tolerate an autonomous religious domain that may compete with it for the loyalty of the citizens. Hence, the state has not shifted
to become more Islamic, but Islam has been used as an instrument to help the state.

Promoting Islam as a state religion means, in the first place, bestowing a prestigious, favorable status on the religious establishment. It is, however, a state establishment, whose power and authority derive from the state, i.e. the ruling family, whose decrees and directives regulate its activity. The Saudi ulama occupy a prominent position within the state's political elite, unparalleled in any state in the contemporary Sunni Muslim World. The muftis, the most distinguished members of the religious hierarchy, particularly enjoy power and authority never dreamed of by their peers in other Muslim countries.

The authority of the muftis has been honored and respected by the Saudi kings as the former provided the latter with the sanction of fatwa (legal opinion) as an endorsement for their own rulings, especially whenever delicate or controversial issues were at stake.

The dominance of the ulama over religious affairs (and the importance of religious affairs in daily life) does not imply that they encourage conservatism or radical tendencies. Occasionally the opposite has been the case. Since the discovery of oil and
particularly since the beginning of its commercial production at the Second World War, one of the state's major challenges has been the problem of defining, articulating and promoting Islamic ideas in such a way that they are also compatible with solving the practical needs of the population. In other words, the government had to build a bridge between traditional religious values and the reality of a modern developing nation-state. The *ulama*, being a tool of government, were to constitute this bridge. In late 1970s an external observer claimed that the Saudis had found the golden path and that Saudi Arabia demonstrates that a very broad commitment to revivalist ideas can be maintained even among a modernizing technocratic elite. On the other hand, family members of well-known *ulama* acquired secular higher-education in the West, and persons of religious background were in charge of ministries outside the *ulama*'s traditional domains. 'Religio-secular powers', as a Saudi scholar put it, 'have always had interplaying roles in the building of the Kingdom.' Tension, nevertheless, between traditional and modern forces within the state bureaucracy seem unavoidable.

The *ulama* have been a part of a mechanism, working *inter alia*, to defuse fanaticism and to check religious radicalism. One
of the vehicles used by the state to negotiate such problems is judicial reform. The reform initiated by the ruling dynasty was designed to adapt the normative and institutional system of a puritanical theocracy to the conditions of a state and society coping with the challenges of the modern era. In other words, Wahhabism has been moderated and tempered, apparently in a legitimate way, by its own authorized representatives.

The state has diminished the ability of the ‘ulama to supervise effectively the implementation of the shari'a, public morality, and religious indoctrination. The developments of the oil economy and the intensive governmental activity have extended the state's jurisdiction to many areas hitherto regulate and directed by the religious establishment. The administration, as indicated, has become more Westernized, and the number of graduates of British and American universities (including many PhDs) has risen greatly at all levels, from cabinet members to rank-and-file civil servants. The state has practically deprived the ulama of their exclusive position in the judicial system and the legal interpretation through modernization of the system and the induction of decrees and regulation extraneous to the Shari'a. As early as the 1950s, the ‘ulama’s role was confined to
the interpretation of the civil and criminal aspects of the *shari'a* laws. Moreover, courts other than *shari* tribunals have also been established.

In the 1970s, the Ministry of Justice was formed, and in 1971, a Supreme Judicial Council (sometimes called, the Council of the Senior *Ulama*). The Minister of Justice inherited the authority of the Grand Mufti and Chief Justice, who had died in 1969. While the latter, a member of the Al Sheikh family, was not accountable to anybody and his religious rulings as a *mufti* were final, the Minister, even being a *shari qadi*, was subject to the government and the king. The formation of the Council of the Senior *Ulama* still signifies the state’s control of its religious establishment. Formerly, this council, a part of the state bureaucracy, was in charge of interpretations of the *shari'a* and of the provision of religious sanction for the executive’s rulings.

The trend of containing and even weakening the institutional power of the *ulama* intensified in the 1990s (in a wave of anti-government criticism) with the reorganization of the Council of the Senior *Ulama* in 1992, its major reshuffle in 1995, and the formation of the new Consultative Assembly (*majlis al shura*) in 1992-3.
Saudi sources maintained that these moves were designed to introduce into the system 'younger scholars,' with a more progressive outlook on relations between religion and modernization of the nation, replacing older ulama with uncompromisingly conservative views.

The House of Saud has often argued for the loyalty of its subjects, citing its prestige among the Bedouin tribes, its success in pacifying much of the peninsula, and its ability (in recent decades) to distribute material rewards among its followers. Yet its capacity to command assent rests on its maintenance of the alliance formed by its founder with Muhammad Ibn 'Abd al-Wahhab in the 1740s. Religion still remains its main basis for its legitimacy together with the tribal dynastic factor. That the king derives his power and authority from those sources is reflected in his official titles: he is not merely the king of the kingdom of Saudi Arabia, but also imam al-wahhabiya and shaykh al-mashayikh (Chief of the [tribal] chiefs).

Since the regime in question is a ruling family, a dynasty, legitimacy is particularly important. It is not an ideology or a political system, which has to be justified, but the right of
certain individuals to reign, merely by virtue of their being born into a certain family and by enjoying the support of certain tribal chieftains. As long as this right is not put to the test of democratic institutions such as a referendum or general elections, only religion can sanction it. The Saudi perception of the comprehensiveness of Islamic law, and the teaching that the *shari'a* governs all, including the king, has rescued the monarchy from charges of absolutism and theocracy. Adherence to Islamic laws and traditions may check demands for the introduction of a democratic political system, since such a system can be branded as *bid'a*. Saudi rulers have indeed explained that Western-style democracy or free elections 'does not suit us in this region' as it is 'not part of Islamic ideology.' The use of religious arguments to defy democratic institutions implies that the ruling house enjoys Islamic legitimacy.

One of the salient aspects of Saudi territorialism has been the dual center of the country: Najd and Hijaz. The former is the homeland of the royal dynasty and the area where its religious and political authority have been preserved, except for short intervals, during most of the last two and a half centuries. The latter is the birthplace of the Prophet, the cradle of Islam and the
site of its holiest shrines. Hence, the dual center principle reflects the two most important elements of the national identity, as the House of Saud perceives it.

The promotion of religion as part of Saudi national values is, *inter alia*, the response by the regime to dangers and challenges of Islamic and non-Islamic factors. The recent threat by extra-establishment Islamic groups enhances the bond between the *ulama* (as representatives of state religion) and the House of Saud, as the former assist the latter in the creation of national common denominators.

Nevertheless, since religious faith has been cultivated as an integral part of their entity and identity for more than 200 years, many Saudis, one may assume, will continue to adhere to their religious belief even without being encouraged to do so by the state. For their sake and for the sake of their loyalty and support, the status of Islam and even of Wahhabism as a state religion is likely to be preserved. Moreover, one of the regime's major challenges is how to achieve and guarantee a state monopoly over religious affairs and to prevent, or at least contain, the emergence of and public support for Islamic purist and other extreme anti-establishment Muslim groups.
In the near future, this challenge is liable to preoccupy the royal family more than any other internal threat to its reign. Islamic opposition groups not only blame the monarchy for religious laxity, but they are also the vanguard of reproof for what they call the corrupted despotic autocracy of the House of Saud, demanding democratization (Islamic-style) and more personal freedoms. The royal family has come to realize that Islam applied to legitimize a political system is, as Madawi al-Rasheed has suggested, a double-edged sword. It invites opposition groups to debate the degree to which Islam has been incorporated into politics. The contemporary Islamic oppositions that contest the legitimacy of the monarchy are using the same rhetoric employed by the royal family to legitimize the monarchy. Shifting the focus from Islam as the source of legitimacy of the ruling family to Islam as the source of the uniqueness of the Saudi nation is the regime's line of defense against the aforementioned challenges.

Contentious politics in general and social movements with Islamist lineages, in particular, are a significant part of the landscape of the contemporary West Asian region. The Saudi case is especially interesting because Islamist movements, even
under the constraints of an authoritarian political system, have been able to forge effective, amorphous underground networks throughout the country. We have only begun to debate what political dissent inside Saudi Arabia might mean for the future of the country and its ruling family, the al-Saud. A start is to understand the historical context's inner workings and the impact of the Islamist movement in Saudi Arabia.

Islamists do not work in a vacuum, but are intimately tied to the fabric of communal, regional, and economic networks. Islamists, however, have clearly been the most articulate and powerful of the various social forces in Saudi Arabia. They are better organized and more cohesive than other social forces in representing their interests to the state. Even though people disagree on strategy and the ultimate goal of opposition movements, they do concur on grievances and particularly on the call for regularity and predictability. In effect, Islamists express the grievances of many people.

Contentious voices also resonate because the exclusionary structure of governance does not reflect the diversity of the population. Contrary to popular images, Saudi Arabia is not a homogeneous country in ethnicity, religion, or ideology. The
variety of Muslim practices include Wahhabi orthodoxy, mainstream Sunni calls for reform of the state, minority Shia communities, Sufi practices throughout the Hejaz, and most importantly, a Sunni Salafi opposition movement (the Salafi - believers who adhere to the ways of their pious ancestors, the companions of the prophet, are the most powerful voice in Saudi Arabia today). In religious, political, social, and economic affairs, inclusion must be practiced. The sprawling religious bureaucracy must be reformed to incorporate the religious diversity of the country, rather than only the muwahhidun. Likewise, political positions from the local to the national level must allow for the inclusion of diverse ethnic identities, regions, and ideological voices. Reform of the political and religious institutions would promote greater tolerance in Saudi society.

In economic matters, the domestic economy must, as the ruling family well knows, be more diverse, private, and local. The overwhelming dependence on foreign labor creates economic and political problems. The private sector must be simultaneously nourished and confronted, that is, it must be given protection, particularly in the face of the World Trade Organization-mandated direct foreign investment, but it must also hire (more
expensive) Saudi labor. The ruling family has long postponed a confrontation with the private sector because new expectations must be reciprocal: if it were to hire more expensive labor, then the private sector will in turn insist on transparency in the awarding of contracts, representation in politics, and limits on princely activity in the commercial realm.

Portrayals of internal politics as contests between United States-allied "moderates" and puritanical Wahhabis are grossly oversimplified. So too is a menu that offers two stark choices: an absolute monarchy tiding toward the West or a revolutionary Islamist regime hostile to the West. Internal contests and choices are more complex than that.

The depth of royal coercion has meant that other voices have not been allowed to flourish. Today, there is not a viable alternative to the ruling family that could unite the disparate parts of the country, perhaps enhancing bin Laden's pull artificially.

What many Saudi Arabians are talking about constitutes neither full competitive democracy nor absolute monarchy. Rather, it is voice governance and the rule of law. The challenge before Crown Prince Abdullah is to promote domestic reform that
incorporates the diversity of the population. His strong nationalist voice can be used to counter the power of the radical movement. The wide middle ground between a revolutionary bin Laden and an authoritarian ruling family cries out for cultivation.

The bad news is that serious structural reforms are necessary in Saudi Arabia. The good news, however, is that Abdullah has the capability and the personal legitimacy to initiate such change. He must protect his close relationships with other branches of the ruling family, particularly, the sons of King Faisal and of King Saud. He must preserve a working relationship with the seven brothers who comprise the al-Fahd branch, even though they contest his rule. Abdullah is, however, 78 years old; he must work quickly and with sensitivity. It is not clear that other high-ranking members of the family carry the same weight in diverse quarters of Saudi society as does Abdullah. The ordinary Saudis now at least have permission to engage in a national conversation about their future.

Demands for reform arose internally and were effective, e.g., the formation of the MAJLIS AL-SHURA in response to demands by the Ulama after the Gulf war of 1990. The conflict
between the anti-establishment younger generation and pro-
establishment older generation and among the Ulama has
heightened political consciousness in Saudi society. The
formation of the CDLR (Lajnath ad-Difa ‘anl-Huqooq al-Shar‘iah:
Committee for the Defiance of Legitimate Rights) and its wide
acceptance in Saudi society are an indication of this awareness.
Unlike other countries in the Middle East, a political party has
never come into existence in Saudi Arabia.

*Mashwara* (consultation) is one of the three most
important principles of Islam, the other two being *Ijtihad* (logical
reasoning to deduce a rule where no precedent exists) and *Ijma*
(consensus of the community). The Shura is a process by which
the major issues of the state, domestic and foreign, are examined
and political decisions are made. It is a joint political effort on an
impersonal and informal basis shared by the head of the state
and distinguished leaders of the community. These notables are
known as *ahl as-Shura or ahl al-hal wal agd* (those who bind and
loose). They are recognized as such by their religious knowledge,
personal character and social position. Their verdicts on
problems which are not explicitly covered in the *Shari‘a* are
legally binding.
A constitution and the establishment of a consultative council were first proposed by King Abdul Aziz in 1932. The proposal was revived by his successor King Saud several times during his reign and most strenuously during the economic and political crisis of the late 1950s. King Saud considered adopting a constitution with a National Council; however, political disputes among the royal family members necessitated a consensus for the introduction of decisive constitutional reforms. In 1962, Crown Prince Faisal declared in a ten-point program, his intention to promulgate a fundamental law, and with the assumption to the throne in 1964, he designated a constitutional committee to draft a constitution. With no threat to his rule, King Faisal quickly put to rest the promises in this connection. King Khalid in the wake of 1979 Iranian Revolution and subsequent takeover of the Mecca Mosque by Islamic opponents of the regime, seriously broached the idea of creating a consultative council. An eight-man committee under the chairmanship of Prince Naif, the Minister of the Interior, was appointed. Shortly after his accession to throne in 1982, King Fahd promised to enact a constitution. He repeated the pledge several times in order to accelerate the working of the constitutional committee. At last, on March 1992, King Fahd
announced in several royal decrees, a program of political change through a package of constitutional and administrative reforms. The package consisted of three separate documents, and was enacted in three separate royal decrees: a Basic System of Rules, a statute covering the establishment of a consultative council, and a statute requiring administrative devolution.

The Basic Law affirms the Shari'a as the fundamental law of the Kingdom, and says that the King has the final word as to the implementation of the Shari'a. The King is the commander-in-chief of the armed forces, and he has the power to declare a state of emergency. The Basic Law gives full discretion to the King in times of national crisis. The King has absolute powers to defend the country from an external force that threatens the safety of the nation or its institutions. The King has also the power to unilaterally amend the Basic Law. The Basic Law confined the rule of the Kingdom to the sons of the Kingdom's founder, and introduced a major alteration to the system of succession to the throne. The Basic Law Calls for formation of an electoral college of princes to choose a new king.

The Basic Law expresses some commitments to the right of appeal. Provisions regarding civil and human rights are not only
the first codification of human rights under Saudi Law, but also represent an attempt at integrating Western concepts of civil and human liberties with Islam.

The Basic Law does not provide for freedom of religion. There is no freedom of speech or expression guaranteed in the Basic Law, nor does it provide for the freedom of press. The Basic Law is silent with regard to court organization and the hierarchical system.

The Basic System of Rules announced in March 1992, defines the scope of duties and responsibilities of the Consultative Council. The consultative council lays down regulations and motions to meet the interests of the state or remove what is bad in its affairs in accordance with the Islamic Shari'a. In the words of Article 15 of the council's constitution, the council's mandate is to "express opinions on the general policy of the state, which will be referred to it by the Council of Ministers." Article 23 of the council's constitution provides a framework in which ten members of the council have the right to propose a new draft law or amendment of the consultative council.
The First Majlis established specific procedures to conduct its business. As the Chairman of the council, Muhammad Ibn Zubayr functioned as the main conduit between the King and the Majlis. As the Majlis members were expected to refrain from public discussion of the proceedings, only Ibn Zubayr made occasional statements to the media. The Majlis was kept unusually busy during its 1993-1997 sessions. It held 142 general meetings and took decisions on 133 issues brought before it for consideration. A large number of officials from public and private sectors were asked to attend the meetings, and significantly, those included some Cabinet ministers.

Beyond its advisory role, the Majlis was permitted to assume a potentially important mediatory role between the authorities and the people. It received petition, complaints, and suggestions from the general population through its Committee of Petitions formed in 1995. In the first Majlis session, over 300 petitions were received by this committee. Some of these reportedly contributed to the revision of the old laws and the drafting of new legislation, while others were sent to the royal court and were adopted.
In the first Majlis, the bureaucrats had the largest number of seats, followed by the academicians and businessmen. There were also a handful of journalists, writers, Islamic functionaries, and military and police generals. Over 50 percent of members held doctorates, mostly from US universities. There were no royal family members in the Consultative Council, although the families of at least two members had marriage ties to the Saudi family. No opposition figures or women were appointed, and only one Shiite was given membership in the first Majlis.

Constitutionally, the Majlis has been handicapped in a number of ways. The members of the Majlis are appointed, not elected, and the King has wide discretion in selecting and dismissing the members. Furthermore, its terms of reference are simply to 'assist' the government, to 'study', the government plans, and to 'interpret' the regulations. Its decisions are merely recommendations, which can be carried out only after the approval of the Council of Ministers and the King. Despite these constitutional limitations, the first Majlis has played a satisfactory role in the Kingdom and has become a trendsetter for its successors.