ABSTRACT

To study Saudi polity in relation to Shari’a has been the focus of the thesis and an attempt has been made to analyse the same and reach at objective conclusions. There has also been an endeavour to look into the working of 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 Caliphs; (b) Islam was mobilized to protect the state. Saudi Arabia is a modern manifestation of the later

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. This has
Abstract

also been argued that the promotion of national identity has been an official as well as a practical policy. It reflects the regimes 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.

In a study dealing with the rule of Shari‘a (The Islamic law) in relation to Saudi political system, a brief discussion of the very concept of Shari‘a becomes inevitable. Shari‘a means God’s given way of life. The authorities of Islam have enumerated that Shari‘a covers all the affairs of human life, either it is personal, social, political, or international. Here, the discussion would focus on the political aspect of Shari‘a in the context of the Saudi ruling system.

The Shari‘a accords a prime position to the Majlis ash-Shura (The consultative council) in the administration of the State. The concept of Shura (consultation) is rooted in Muslim political thought and is practiced in many different ways from the days of early Islam.

The Saudi political system echoes the partnership between the religious and political elements of society. This system was established in the year 1744 by Muhammad ibn Saud, the amir in Al Dariyah near Riyadh and Muhammad ibn Abd Al-Wahhab, the
Shaykh who came to the area to preach the doctrine of the Oneness of God as the true Islam, based on the ideas of Ibn-Taymiyyah (1268-1328). Ibn-Taymiyyah reopened the doors of *ijtihad* which had been considered as closed after the 10th century A.D. (3rd c Hijra). Ibn-Taymiyyah’s efforts led to a revival in Islamic thought. However the next four 100 years did not see any intellectual ferment until the appearance of Muhammad Ibn Abd al-Wahhab. At this stage we notice an emerging cooperation between Abd al-Wahab and Muhammad Ibn Saud. As a result of this co-operation based on the strict Hanbali interpretation of Islamic law, political rule was the province of the House of Saud, *Al-Saud* who was also given the title of *Imam*, which in common parlance meant, head of the state. And religious authority was in the hands of the *Ash Shaykh* (the family of the shaykh, Muhammad Ibn Abd al Wahhab). This arrangement, however, did not give unchecked political power to the ruler because in accordance with the precepts of Abd-al-Wahhab, based on the political theory of Ibn Taimiya, secular authority must conform to divine law and produce civil order in order to be legitimate.

To understand the forces that have shaped the religion as politics of Saudi Arabia, one must also consider the roles of geographic factors, tribal allegiance, a Bedouin life, the Al Saud, and the discovery of oil. Tribal affiliation has been the focus of
identity in the Arabian Peninsula, approximately 80 percent of which is occupied by Saudi Arabia. Well in the present century, several deserts, including the Rub al Khali, one of the largest in the world, cut tribal groups off from one another and isolate Najd, from other parts of the country. As a result, a high degree of cultural homogeneity developed among the inhabitants; the majority follows Sunni Wahhabi Islam and a patriarchal family system. Only about 5 percent of the Saudi population adheres to the Shia sect. The Shia, in general, represent the lowest socio-economic group in the country, and their grievances over their status have led to protest demonstrations in the 1970s and again in 1979-80, that have resulted in government actions designed to better their lot.

Saudi tribal allegiance and the Bedouin heritage have been weakened, however, since the mid 20th century by the increased role of a centralized state, urbanization and industrialization that has accompanied the finding of oil. At the same time, the impact of Islam on different elements of the population has varied.

As Saudi Arabia entered the final years of the 20th century, there were signs, however, that the expression of public dissent, once unthinkable, was becoming more commonplace. Such dissent was usually couched within an Islamic framework, but nonetheless it represented a force with which the Al Saud had to reckon. King
Fahd had succeeded thus far in balancing the demands of modernists and traditionalists domestically and in pursuing a policy of moderation internationally. Some observers wondered, however, how long Fahd would be able to rule and how adaptable the more conservative crown Prince Abd Allah would be as Fahd’s successor.

Joseph Nevo in his article (published in Middle Eastern studies Quarterly, vol:34, ‘Religion and National Identity in Saudi Arabia’ narrates the sayings of Madawi al-Rasheed that the royal family has come to realize that Islam applied to legitimize a political system is 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.

Saudi Arabia is a state but not a nation in the strict sense of the term. Islam being as 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 moulding 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 law. 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 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 not to take its place.

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 facility 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 practised 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 God is omnipotent, he is the one and only who is such. No person or object possesses divine traits, 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.

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. 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.

Moreover towards understanding Saudi system of government in relation to Shari'a an understanding of the four schools of Islamic thought is pertinent. Hanbali School is being followed in Saudi Arabia in matters of government. Hence, the study of this school is a prerequisite to understand the political system in Saudi Arabia. This also forms the ideological plank of the government.

Saudi Arabia is the most theocratic state in the contemporary Sunni Muslim world. In Saudi Arabia the Basic law of Government was introduced by royal decree in 1992, at chapter-1 Article-1 defined God's book and the Sunnah of his Prophet as the constitution of Saudi Arabia.

Accordingly, "The supreme authority resides only with Allah"

However religious power and authority continue to be exercised in Saudi Arabia by the Ulama along with political figures who together derived legitimacy as result of cooperation.
The government and state institutions are composed of the monarch, Council of Ministers, Consultative Council, and Judiciary and government local administration. Recently, constitutional reforms took place in Saudi Arabia in March 1992 through Royal decrees of the King. The nucleus of Saudi Arabia Government is the monarchy. The Basic law adopted in 1992 declared that Saudi Arabia is a monarchy by the sons and grandsons of King Abd al-Aziz al-Saud, and that the Holy Qur’an is the constitution of the country, which is governed on the basis of Islamic law (Shari’ah). There are no political parties or national elections. The Kings powers are limited because he must observe the Shari‘a and other Saudi traditions. He also must retain a consensus of the Saudi royal family, religious leaders (Ulama) and other important elements in Saudi society.

In last official act, in October 1953, King Abd al-Aziz established a Council of Ministers to met the “obligations and the diversification’s of Ministers to meet the “obligations and the diversification’s of the responsibilities placed on the state.” In the Saudi Kingdom a Council of Ministers through Royal Decree eaw established in October 1953. It dealt with five issues: (i) Organization of the council, (ii) Jurisdiction of the Council, (iii) The

The role of Ulama in Saudi political system and the consequent socio-political change during and after the Gulf War is another important aspect of the study.

In Sunni Islam, the Ulama as well as the fuqaha have traditionally supported the political institutions in power and in Saudi Arabia this support was given to the House of Saud by Muhammad ibn ‘Abd al-Wahhab’.

Saudi Ulama now represents two streams of thought and action. Senior Ulama led by Shayykh Abd al-Aziz ibn Baz uphold the traditional - puritanical Islam. They defend the ruling royal family through their efforts. But the young Ulama, like Safar al-Hawali with the support of university professors, students and other liberals stand for change in the system. Their language is an amalgam of puritanical Islam and modern political Islam.

The traditional unity of Ulama and Saudi political system is almost at stake. Both the intimacy of the monarchy with a group of
Ulama and hostility with another group of Ulama are prevailing simultaneously in the political system of Saudi Arabia with considerable differences between them.

Islamic law applied in Saudi Arabia and the courts and judges, who apply it in other words, the Islamic legal system of Saudi Arabia is little known or understood outside the Kingdom. At the same time, as everyone recognizes, the Kingdom’s claim to uphold Islamic law is central to its constitution, law, religion, history, and society.

Saudi Arabia is the most traditional Islamic legal system in the World today. Islamic law is constitutionally the law of land, the general jurisdiction held by traditionally trained judges who apply exclusively the Islamic law; and traditional Islamic legal learning is still good professional training for practice. Most Saudis consider Islamic law their indigenous law, natural and inevitable. Saudi Arabia does broadly and effectively apply the rules of the old Islamic law, probably to a degree greater than many Islamic states of the past.

This is not to claim that Saudi Arabia’s legal system is the ideal Islamic law or legal system. A community has the religious legal obligation to select a Muslim rule to uphold Shari‘a; if this is
impossible, the community must attempt to install its own qadi. In Saudi Arabia the ruler is the king (malik) In other Islamic legal System the ruler appellation might be Khalifa (successor, vicegerent), imaam (leader), amir al-mu'minin (commander of the faithful), sultan (power), amir (commander, prince), wali (governor), or wali al-amr (person in authority). The Saudi ‘Ulama’ willingly recognize that the ruler possesses an extensive authority to make laws. They do so as part of the fundamental fiqh doctrine forged by ‘Ulama’ to represent and control the ruler’s constitutional powers under a constitution of Shari'a. This makes siyasa shar'iyya the virtual inverse of fiqh as a law-making method. The result is that today hundreds of nizams operate alongside the fiqh so that the law may confront modern conditions. Fiqh is also the residual law, filling gaps in the quite rudimentary nizams. This theory recognized that Muslim society needs, alongside fiqh, siyasa power and even siyasa laws and tribunals.

On the Saudi legal system, the study shows how the system has achieved and maintains high degree of doctrinal consistency and justifiability, according to the fiqh conception endorsed by its 'Ulama'. Many old habits and institutions have changed to suit modern conditions, without the 'Ulama' yet losing their balance.
Still, evolution in fiqh and 'Ulama' conceptions and institutions has not kept pace with extremely rapid economic and material change and with attendant less rapid but still breath-taking economic, social, cultural, and political shifts. Even after these events Saudi Arabia remains deeply patient, however, and postpones any deliberate change that has not gained wide consensus, particularly among the elder generation in every sphere. As our study showed several times, the country is willing to pay a very high price in material terms for slowing even desperately needed reforms when these reforms implicate publicly or privately held values. Patience and consensus being such pervasive norms, it becomes difficult to discern where they are being unfairly exploited by elites to preserve their influence or privilege.

Saudi Arabia, has been an Islamic absolute monarchy with a closed political set up since its inception in 1932. The institutions and processes of western liberal democracy show anathema to Saudi political establishment. The political process in Saudi Arabia has been a family enterprise and Saudi Kings have proved "total rulers". Saudi rulers have opposed calls for democratic change and have declared that Qur'an is the constitution and Shari'a must be the guiding principle of the state. On March 1, 1992, King Fahd
ordered a package of constitutional reforms, which showed major changes in the state’s organic institutions. The package made up of three separate documents, and was enacted in three separate royal decrees: [1] a Basic System of Rules; [2] a statute covering the establishment of a Consultative Council within six months; [3] a statute requiring administrative devolution, with regional assemblies with one year. The package also possessed several permanently entrenched fundamental rights and freedom. Thus, a set of general guidelines outlining the powers and limits on the government and the sights and obligations of the citizens was issued for the first time. These three statutes were intended to reestablish the basis for government and regulate political participation through the establishment of consultative council and regional government. But the basic system of rule remains subordinate the official constitution of Saudi Arabia, the Shari‘a despite the move towards political modernisation.

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, has 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, inner workings, and impact of the Islamist movement in Saudi Arabia.

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 or the state, minority Shia communities, Sufi practices throughout the Hejaz, and, most important, 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.