

‘Ulamā,’ Maṣlahah, and the Politics of Fatwa: The Shifting of Ali Gomaa's Fatwa Approach during the 2011 Egyptian Revolution

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Abstract: Numerous scholars have advanced the thesis that rulers in Muslim-majority countries engage ‘ulamā’ to legitimize their political authority. This assertion seems pertinent to the actions of the state mufti of Egypt, Ali Gomaa, who issued a fatwa prohibiting demonstrations during the 2011 Egyptian Revolution. Applying the scholars' thesis to Gomaa's fatwas reveals complexity, as it turns out that Gomaa revised his fatwas, particularly those related to the transition from prohibiting demonstrations to endorsing peaceful assemblies. This research aims to analyze two aspects: exploring the motivating factors behind the changes in Gomaa's fatwas and identifying the inherent substantive shifts in his fatwas. By employing Foucault's discourse theory, the study delves into Gomaa's fatwas during the 2011 Egyptian Revolution, meticulously documented on digital platforms. The research findings indicate that Gomaa's shift in fatwas stems from a vested desire for his pronouncements to achieve widespread acceptance and authority among a populace that embraces protest as an expression of freedom of speech. Gomaa modifies his fatwa, transitioning from an outright prohibition of demonstrations to permitting peaceful assemblies while encouraging demonstrators to exercise restraint through a suggestive fatwa allowing for leaving Friday prayer. Gomaa has orchestrated a paradigmatic shift in his fatwa approach, moving away from interpreting demonstrations as opposition to the rulers, grounded in preserving soul and property, toward recognizing them as manifestations of free speech rooted in citizens' rights.

Keywords: *‘Ulamā’; maṣlahah; Ali Gomaa; fatwa; Egyptian revolution*

Abstrak: Banyak sarjana telah mengemukakan teori bahwa penguasa di negara-negara mayoritas Muslim melibatkan ‘ulamā’ untuk melegitimasi otoritas politik mereka. Pernyataan ini tampak relevan dengan tindakan mufti negara Mesir, Ali Gomaa, yang mengeluarkan fatwa melarang demonstrasi selama Revolusi Mesir tahun 2011. Penerapan teori para sarjana ke fatwa-fatwa Gomaa mengungkap kompleksitas, karena ternyata Gomaa merevisi fatwanya, khususnya

yang terkait dengan peralihan dari melarang demonstrasi menjadi mendukung demonstrasi damai. Penelitian ini bertujuan untuk menganalisis dua aspek: mengeksplorasi faktor-faktor motivasi di balik perubahan fatwa Gomaa dan mengidentifikasi pergeseran substantif yang melekat dalam fatwanya. Dengan menggunakan teori wacana Foucault, studi ini menunjukkan bahwa pergeseran fatwa Gomaa berasal dari keinginan yang kuat agar pengumumannya diterima secara luas dan memiliki otoritas di kalangan masyarakat yang mendukung protes sebagai bentuk ekspresi kebebasan berbicara. Gomaa memodifikasi fatwanya, beralih dari larangan demonstrasi secara mutlak menjadi mengizinkan pertemuan demonstrasi yang damai, sambil secara bersamaan mendorong para demonstran untuk menahan diri melalui fatwa yang mengizinkan meninggalkan salat Jumat. Gomaa mengatur pergeseran paradigma dalam pendekatan fatwanya, yakni dari menjauhi interpretasi demonstrasi sebagai bentuk perlawanan terhadap penguasa berdasarkan konsep pemeliharaan jiwa dan properti, menuju pemahaman bahwa demonstrasi adalah manifestasi kebebasan berpendapat yang didasarkan atas hak-hak warga negara.

Kata kunci: *Ulama; masalah; Ali Gomaa; fatwa; revolusi Mesir*

Introduction

Islamic clerics (*'ulamā'*), serving as authoritative figures, are frequently enlisted as agents of legitimacy for governmental authority, a phenomenon substantiated by numerous researchers. In the historical context, Safi, for instance, discerns that scholars' formulation of religious orthodoxy during the Seljuq empire legitimized the Seljuq sultanate, especially in a scenario where the Abbasid caliphate persisted.¹ Expanding upon Safi's discoveries, Prihantoro, utilizing a perspective he termed Theo-Juridical Politics in his research, highlighted that *'ulamā'* aligning with the government was pivotal in legitimizing rulers during a specific era. This was accomplished through interpretative efforts concerning legal texts, mainly when there was a shared alignment on a particular theological stance.² In the modern context, scholars like Bachar et al. observe this kind of positive

¹ Omid Safi, *The Politics of Knowledge in Premodern Islam: Negotiating Ideology and Religious Inquiry* (Carolina: The University of North Carolina Press, 2006).

² Hijrian Angga Prihantoro, "Ulama dan Politik Pengetahuan dalam Ushul Fikih: Relasi Kuasa, Paham Teologis dan Geopolitik" (*Dissertation*, UIN Sunan Kalijaga Yogyakarta, 2023): 273.

relationship between the government and *'ulama'* in several Muslim countries, namely Egypt, Jordan, and Saudi Arabia, with a distinct pattern wherein the government attracts established *'ulama'* to lend legitimacy to its policies.³

The exploration of religion and its connection to the Egyptian Revolution can be categorized into three clusters. The first cluster involves studies examining religious groups' participation in the revolution. Jacob Høigilt and Frida Nome,⁴ Mohammed Moussa,⁵ Khalil al-Anani,⁶ and Mona Farag⁷ provide insightful analyses that elucidate the dynamics of groups associated with the revolution. The second cluster investigates the impact of religious ideologies and Muslim intellectuals on the emergence of the Egyptian Revolution. Notable studies by Michael Hoffman and Amaney Jamal,⁸ Hiba Ghanem,⁹ Mohammad Fadel,¹⁰ and Matthew Scherer¹¹ contribute to understanding this facet. The third cluster encompasses studies on the fatwas issued during the Egyptian Revolution. Generally, these studies center on the fatwas of *'ulama'* that supported the revolution, later

³ Shmuel Bachar et al., "Establishment 'Ulamā' and Radicalism in Egypt, Saudi Arabia, and Jordan," Center on Islam, Democracy, and the Future of the Muslim World/*Research Monographs on the Muslim World* 1, no. 4 (2006): 1–42.

⁴ Jacob Høigilt and Frida Nome, "Egyptian Salafism in Revolution," *Journal of Islamic Studies* 25, no. 1 (January 1, 2014): 33–54, <https://doi.org/10.1093/jis/ett056>.

⁵ Mohammed Moussa, "Protest, Islamism, and the Waning Prospect of Revolution in Egypt," *The Journal of North African Studies* (2015): 784–96.

⁶ Khalil al-Anani, "The 'Anguish' of the Muslim Brotherhood in Egypt," in Routledge.

⁷ Mona Farag, "Egypt's Muslim Brotherhood and the January 25 Revolution: New Political Party, New Circumstances," *Contemporary Arab Affairs* 5, no. 2 (April 1, 2012): 214–29, <https://doi.org/10.1080/17550912.2012.673069>.

⁸ Michael Hoffman and Amaney Jamal, "Religion in the Arab Spring: Between Two Competing Narratives," *Journal of Politics* 76, no. 3 (July 2014): 593.

⁹ Hiba Ghanem, "The 2011 Egyptian Revolution Chants: A Romantic-Mu'tazili Moral Order," *British Journal of Middle Eastern Studies*, (2017): 1-13.

¹⁰ Mohammad Fadel, "Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring," *SSRN Electronic Journal* (2016), <https://doi.org/10.2139/ssrn.2711859>.

¹¹ Matthew Scherer, "Political Theology, Democracy, and the Exception in Egyptian Revolution," *Political Ideology* (2017): 1–17.

termed the Jurisprudence of Revolution (*fiqh al-thaurah*). Such studies include those conducted by Nakissa,¹² Belal,¹³ Warren,¹⁴ and Zulfiqar.¹⁵

The findings above presume that the fatwa issued by the Mufti of the Egyptian state, Ali Gomaa, during the 2011 Egyptian Revolution in response to the demonstrations aimed to legitimize or defend the ruling government. However, this assumption becomes challenging to accept as Gomaa issued two distinct fatwas. The initial fatwa seemingly protected the government by prohibiting demonstrations that demanded President Mubarak's resignation, while the second fatwa permitted peaceful demonstrations. Beyond defending the government, another critical consideration for the mufti is the concept of *maṣlaḥah* or benefit,¹⁶ particularly given the turmoil of the Egyptian Revolution that resulted in numerous casualties and extensive damage. This study holds significance as it delves into the transformation of the fatwa issued by a state mufti, who, according to *uṣūl al-fiqh* (Islamic legal theory), is obligated to prioritize the concept of *maṣlaḥah*. The inquiry arises amid suspicions about the mufti's alignment with the ruling government in the context of political modernization, which has led to significant human and material losses.

Within the framework of the studies above, our research aligns with the third cluster. While previous scholars have delved into examining fatwas and arguments from *'ulamā'* in support of the revolution, our focus takes a distinctive approach. We will underscore

¹² Aria Nakissa, "The Fiqh of Revolution and the Arab Spring: Secondary Segmentation as a Trend in Islamic Legal Doctrine," *Muslim World* 105, no. 3 (July 2015): 398–421, <https://doi.org/10.1111/muwo.12098>.

¹³ Youssef Belal, "Islamic Law, Truth, Ethics: Fatwa and Jurisprudence of the Revolution," *Comparative Studies of South Asia, Africa, and the Middle East* 38, no. 1 (2018): 107–21.

¹⁴ David H. Warren, "Religion, Politics, and the Anxiety of Contemporary Maṣlaḥa Reasoning: The Production of a Fiqh al-Thawra after the 2011 Egyptian Revolution in *Locating the Shari'a: Legal Fluidity in Theory, History, and Practice* (London & Boston: Brill, 2019): 226–48.

¹⁵ Adnan A. Zulfiqar, "Revolutionary Islamic Jurisprudence: A Restatement of the Arab Spring," *International Law and Politics* 49, no. 443 (2017): 443–97.

¹⁶ Syaful Mudawam, "The Uṣūl al-Fiqh Approach on the Understanding of Islamic Law in Contemporary Era: Source and Contextualization," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 55, no. 2 (August 31, 2021): 330, <https://doi.org/10.14421/ajish.v55i2.1004>.

the changes observed in the fatwas of *'ulama'* opposing the revolution. Employing Asad's thesis, which posits that authoritative discourse is a collaborative achievement between the narrator (in this case, the mufti) and the audience (the demonstrators),¹⁷ our study aims to discern the motivations behind the shift in Gomaa's fatwas and its connection to his role as a state mufti obligated to pursue societal benefit; and to identify the transformative aspects within his fatwas.

This literature research is designed to gather information on the fatwas issued by the Egyptian mufti (the Head of *Dār al-Iftā al-Miṣriyyah*) in response to the upheavals of the 2011 Egyptian Revolution. The study focuses on compiling the oral fatwas articulated by the mufti during the 2011 Egyptian Revolution, specifically from January 25, 2011, to February 11, 2011. As these fatwas are primarily communicated orally, the data collection involves the observation of videos capturing the mufti's pronouncements, which have been documented on YouTube channels, including CBC Egypt, Almasry Alyaoum, BestEgypt, Plasmajo, and Misralhurrah. Access to these resources occurred between June 1, 2023, and August 30, 2023.

In this research, we examine the phenomenon of fatwas issued by Gomaa during the Egyptian Revolution through the lens of discourse theory, as articulated by Foucault,¹⁸ and its various applications in religious studies, such as Asad's concept of authoritative discourse. Within this theoretical framework, the issuance of fatwas is perceived as an endeavor to regulate the public, as religion is a potent instrument for societal discipline.¹⁹ Against the backdrop of the Egyptian Revolution, Gomaa's discourse unfolded within a context of political modernization characterized by a novel organizational framework, the emergence of democratic currents in Islamic thought, and international pressures emphasizing human rights and

¹⁷ Talal Asad, *Genealogies of religion: Discipline and reasons of power in Christianity and Islam* (JHU Press, 1993): 210.

¹⁸ Michael Foucault, *Power/Knowledge: Selected Interviews & Other Writings 1972-1977*, ed. Colin Gordon, trans. Colin Gordon et al. (New York: Pantheon Books, 1980).

¹⁹ Tinggal Purwanto, "Gender Equality and Power Relations in Thematic Qur'an Tafsir of the Ministry of Religious Affairs of the Republic of Indonesia" (*Dissertation* UIN Sunan Kalijaga Yogyakarta, 2018): 40.

democratization.²⁰ This study considers Gomaa's role as a state mufti endeavoring to regulate a public seeking change while also attending to the imperative of producing fatwas or Islamic law in alignment with the objectives of the Shari'a.²¹

'Ulamā' and the Political Discourse: Portrait of Gomaa's Position in Egypt

Zaman contends that the *'ulamā'* play a significant role in the public and political spheres, with their activism increasingly unfolding within the expanding public sphere of the Islamic community. In this context, he posits three pivotal considerations: the diverse composition of the Muslim public sphere, the intricate role of *'ulamā'* in contemporary society, and the pertinence of Islamic religious traditions to present-day Muslim politics.²² In modern global politics, established *'ulamā'* have been co-opted by governments to confer legitimacy. Bachar observes diverse patterns across several countries. In the Egyptian context, *'ulamā'* are structurally positioned as subordinates to the government, fostering cooperation between the state and the *'ulamā'*. In the Saudi Arabian context, the *'ulamā'* are not positioned as subordinates to the state; instead, a more equitable alliance exists between the two. It is crucial to acknowledge that both entities share a common ideology, namely Wahhabism. In the Jordanian context, The Jordanian government does not routinely involve the *'ulamā'* in political affairs, nor does it consistently seek their endorsement for its actions. The primary source of Islamic legitimacy for the regime is grounded in the Hashemite lineage of the royal family.²³

Specifically in the Egyptian context, Gomaa is among the established *'ulamā'* aligned with the Egyptian government, particularly as part of the Al-Azhar group of *'ulamā'*. According to Bachar et al., Al-Azhar has played a significant role in endorsing government policies, including supporting the Camp David agreement with Israel in 1978

²⁰ Mohamed Alfughi, "Historical Origins of the Arab Spring in Tunisia, Egypt, and Libya: A Theoretical Analysis" (*Dissertation*, Universitat Wien, 2015).

²¹ Abū Ishāq Ibrāhīm ibn Mūsā al-Syāṭibī, *Al-Munāfaqāt fī Uṣūl al-Sharī'a*, ed. 'Abd Allah Darāz, vol. 2 (Beirut: DKI, 2011): 285–87.

²² Muhammad Qasim Zaman, *The 'Ulama' in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press, 2002): 178–79.

²³ Bachar et al., "Establishment 'Ulamā' and Radicalism in Egypt, Saudi Arabia, and Jordan," 1–2.

and Egypt's participation in the 1991 Gulf War.²⁴ Since 1961, Al-Azhar has not operated independently but has been under government control.²⁵ In addition to his role as a professor of jurisprudence at al-Azhar, Gomaa has been a member of the Fatwa Institution of Al-Azhar (*Lajnah al-Fatwā*) since 1994 and served as the General Guide (*Musyrif 'Amm*) from 1998 to 2013.²⁶ Beyond al-Azhar, *Dār al-Iftā'*, the institution led by Gomaa from 2003 to 2013, functions as a state institution, operating under the Ministry of Justice. While *Dār al-Iftā'* has gained more independence over time, having its budget, its official website emphasizes its resemblance to a separate ministry led by a mufti with a position comparable to that of a minister. Its website states, "Dār al-Iftā' al-Miṣriyyah has resembled a separate ministry led by a mufti with a position like a minister."²⁷

With its current position, *Dār al-Iftā'* faces constraints in adopting an independent stance. Historical records reveal instances where conflicts between the *mufti* of *Dār al-Iftā'* and the government resulted in the replacement of the mufti. For example, 'Alām Naṣṣār (1950-1952) was replaced due to his son, Jamāl Naṣṣār, being involved in the opposition movement known as the Free Officers Movement (*Ḥarakah al-Ḍubbāṭ al-Aḥrār*),²⁸ and Naṣr Farīd Wāṣil (1996-2002) was replaced because many of his fatwas contradicted the government's policies.²⁹ Ibrahim Negm, an advisor of *Dār al-Iftā' al-Miṣriyyah* and a biographer of Gomaa, has asserted that when achieving neutrality in this institution becomes impossible, the institution opts not to issue a fatwa. An illustrative example occurred when the debate arose regarding natural gas export from Egypt to Israel. In such a scenario,

²⁴ Bachar et al., 4.

²⁵ Akhmad Sulaiman, "Ijtihād Maqāṣidī Dan Politik Pengetahuan: Pergumulan Diskursus Keagamaan Revolusi Mesir Yūsuf al-Qaraḍāwī Dan 'Alī Jum'ah" (*Dissertation*, UIN Sunan Kalijaga Yogyakarta, 2022): 151.

²⁶ 'Imād Aḥmad Hilāl, *Al-Iftā' al-Miṣriyyah: Min al-Ṣāḥābi 'Uqbab Ibn 'Amir Ilā al-Duktūr 'Alī Jum'ah*, vol. 7 (Cairo: Dār al-Iftā' al-Miṣriyyah, 2020): 4687.

²⁷ "Bawwābah Dār Al-Iftā' al-Miṣriyyah," accessed March 25, (2021), <https://www.dar-alifta.org/AR/Default.aspx>.

²⁸ Hilāl, *Al-Iftā' al-Miṣriyyah: Min al-Ṣāḥābi 'Uqbab*, 7: 4260.

²⁹ Hilāl, 7: 4635.

the institution chose to have the matter deliberated by relevant experts rather than issue a fatwa.³⁰

The Context of Gomaa Fatwas: Revolutionary Movements, Religious Discourse, and Global Democratization

The 2011 Egyptian Revolution marked a significant episode within the broader context of the Arab Spring uprisings, characterized by a collective demand for democratizing authoritarian governments across the Middle East.³¹ Subsequent demonstrations in Tunisia in late 2010 successfully led to the ousting of President Zainal Abidin Ben Ali on January 14, 2011, and Egypt followed suit as the second country in upheaval. The large-scale demonstrations persisted for 18 days, from January 25, 2011, to February 11, 2011. While the initial phase of the demonstrations was peaceful, the situation escalated, resulting in chaos. The first day alone witnessed the loss of three demonstrators and one policeman. Subsequent events included numerous incidents of riots, shootings, arson, and looting. Asef Bayat elucidated that the Egyptian Revolution led to the tragic toll of 841 lives lost, thousands injured, and extensive damage to both public facilities and private properties.³²

The 'ulamā' were prompted to adopt positions in response to this tumultuous backdrop. One faction, including figures like Gomaa and Grand Sheikh Al-Azhar al-Tayyeb, issued fatwas urging the demonstrators to cease their actions. Meanwhile, another group of 'ulamā,' exemplified by Yusuf Al-Qaradhawi and the network associated with the International Union of Muslim Scholars (IUMS), called for President Mubarak's resignation and compliance with the demonstrators' demands.³³

Gomaa articulated his position or fatwa in response to the escalating chaos and destructive incidents that unfolded during the demonstrations. From a political standpoint, his fatwa was issued after Mubarak's actions, which involved the replacement of ministers,

³⁰ Ibrahim Negm, *The Epistemology of Excellence: A Journey into the Life and Thoughts of the Grand Mufti of Egypt* (Beirut: Innovatio Publishing, 2012): 38–39.

³¹ Ibnu Burdah, *Islam Kontemporer, Revolusi, Dan Demokrasi: Sejarah Revolusi Politik Dunia Islam Dan Gerakan Arab Dalam Arsu Demokrasi Global* (Malang: Intrans Publishing, 2014): 24.

³² Asef Bayat, *Making Islam Democratic: Social Movements and the Post-Islamist Turn* (Stanford University Press, 2007): 9.

³³ Nakissa, "The Fiqh of Revolution and the Arab Spring," 403–5.

promises of reforms, and an offer of dialogue. Against this backdrop, on February 2, Gomaa issued a fatwa asserting that opposing the *imām* (*al-khurūj alā al-imām*) is prohibited, and it is incumbent upon the demonstrators to return home. This directive aimed at safeguarding the country's interests, preventing loss of life, halting damage, and averting a leadership vacuum.³⁴ However, despite Gomaa's fatwa, the demonstrations persisted, as the demonstrators' primary demand was Mubarak's resignation, not the replacement of ministers. Simultaneously, the demonstrators had their mufti in the form of Al-Qaradhawi, who became an influential figure amid the tumult of the Egyptian Revolution. Al-Qaradhawi assumed a role akin to the Khomeini of Egypt,³⁵ gaining admiration even from non-Muslim supporters of the revolution who welcomed his fatwas.³⁶

As the situation intensified, the opposition called for "*Jum'ab al-Raḥīl*" (Departure Friday) on February 4, a significant demonstration scheduled after Friday prayers. Concurrently, the international community, including the United States and several European countries, on February 2, urged Mubarak to step down immediately and facilitate a transition. Al-Qaradhawi, portrayed as a global mufti,³⁷ issued a fatwa asserting that participating in peaceful demonstrations on *Jum'ab al-Raḥīl* is obligatory as a form of jihad against an oppressive government. Amid this context, Gomaa was sought for a fatwa regarding the ruling on Friday prayers during *Jum'ab al-Raḥīl*. In response, he stated that Muslims are permitted to forgo Friday prayers. A Muslim seeking to avoid discord may choose to skip Friday prayers. However, a Muslim intending to participate in demonstrations should do so peacefully without causing harm or discord.³⁸

³⁴ *Mufti Miṣr*, 2011, <https://www.youtube.com/watch?v=7leQws-tEB0>.

³⁵ David H. Warren, "The 'Ulamā' and Arab Uprisings 2011-13: Considering Yusuf Al-Qaradhawi, the 'Global Mufti', between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy," *New Middle East Studies* 4 (2014): 10.

³⁶ Yūsuf Al-Qaradāwī, *25 Yanāyir Sanah 2011 Šaurah Sya'b* (Cairo: Maktabah Wahbah, 2011): 149.

³⁷ Warren, "The 'Ulamā' and Arab Uprisings 2011-13: Considering Yusuf Al-Qaradhawi, the 'Global Mufti', between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy," 9.

³⁸ *Mufti Miṣr, Fatwā Dr. 'Alī Jum'ab Bi Kbuṣuṣ Taẓāburāt Yaum al-Jum'ab* (2011), <https://www.youtube.com/watch?v=98tPO8eC310>.

As events unfolded, the situation progressively shifted in favor of the demonstrators. On Saturday (February 5), party elites supporting Mubarak resigned. By Tuesday (February 8), the United Nations and the United States reiterated their call for an immediate transition. On the same day, Omar Sulaiman, the Vice President appointed during the demonstrations, announced that the power transfer would occur peacefully and promptly. Demonstrations persisted until Mubarak's resignation on Friday (February 11).³⁹

From a global perspective, the Egyptian Revolution, as part of the Arab Spring, aligns with the broader context of four waves of democratization observed in different world regions. The initial wave took place between 1828 and 1926, followed by the second wave from 1943 to 1962, the third wave in 1974, and the fourth wave emerging in 2000. By 2006, 64 percent of countries worldwide had embraced democracy, emphasizing its role as a benchmark for rationality in global politics.⁴⁰

The Dualism of Gomaa Fatwas: Between *Maṣlaḥah* and Human Rights Issues

Scholars commonly agree that Islamic law is formulated to achieve benefit (*maṣlaḥah*). According to *uṣūliyyīn*, there are three categories of benefits: *maṣlaḥah mu'tabarah* (benefits legitimized by the texts), *maṣlaḥah mulghāb* (benefits rejected by the texts), and *maṣlaḥah mursalah* (benefits neither legitimized nor denied by the texts). The first and third benefits are considered valid for postulation, while the second

³⁹ We synthesize this chronology of the Egyptian Revolution from various sources. "Timeline of the Revolution in Egypt | World | Breaking News and Perspectives from around the Globe | DW | 11.02.2011," accessed August 19, 2021, <https://www.dw.com/en/timeline-of-the-revolution-in-egypt/a-14837364>; David Akhmad Ricardo, *Catatan Harian Revolusi Mesir: Revolusi Rakyat* (Jakarta: Arus Timur, 2011): 11–14; Burdah, *Menuju Dunia Baru Arab: Revolusi Rakyat, Demokratisasi, Dan Kekuasaan*, 5–16; "Wapres Mesir Siap Berdialog Dengan Oposisi - Global Liputan6.Com," accessed February 14, 2022, <https://www.liputan6.com/global/read/318440/wapres-mesir-siap-berdialog-dengan-oposisi>.

⁴⁰ Alfughi, "Historical Origins of the Arab Spring in Tunisia, Egypt, and Libya: A Theoretical Analysis," 144–45.

type is unsuitable.⁴¹ In analyzing the fatwas related to demonstrations, an issue not explicitly addressed in the texts, the theory of *maṣlaḥah mursalah* is applied. Therefore, the term "benefit" refers to this type of benefit in this article. According to al-Ghazālī, the concept of benefit involves safeguarding the five necessities (*ḥifẓ al-ḍaruriyyāt*), which include religion (*al-dīn*), soul (*al-nafs*), reason (*al-'aql*), offspring (*al-nasl*), and property (*al-māl*).⁴²

The shifts in Gomaa's Fatwas will be examined from those perspectives. This viewpoint aims not to corner Gomaa, considering that he upholds these five necessities as the objectives of Sharia (*maqāṣid*). However, he has slightly modified the terminology, replacing preserving offspring/honor with preserving human dignity (*karāmah al-insāniyyah*) and substituting ownership (*al-milk*) for property. Additionally, he has altered their sequence from keeping religion, soul, reason, offspring, and property to preserving the soul, reason, religion, human dignity, and ownership.⁴³ The prioritization of the soul over other certainties aligns with the perspectives of Nurhayati and Nasution, who examined the use of *maqāṣid* in the fatwas issued by the Indonesian *'ulamā'* Council concerning worship during the Covid-19 pandemic. According to their research, preserving the soul is considered the primary objective in Islamic law because it significantly impacts other necessities.⁴⁴

From the perspective of *maṣlaḥah*, Gomaa endeavors to align his fatwas with preserving both the soul and ownership/property. Amid the tumultuous demonstrations, he issued a fatwa urging the demonstrators to cease their actions to prevent further loss of life and to mitigate the escalation of damage to personal and public property.

⁴¹ Muḥammad Wahbah al-Zuhailī, *Uṣūl Al-Fiqh al-Islāmī*, vol. 2 (Damaskus: Dār al-Fikr, 1986): 752–54; 'Abd al-Wahhāb Khalāf, *ʿIlm Uṣūl al-Fiqh* (Surabaya: al-Haramain, n.d.): 84–87; Abū Ḥāmid al-Gazālī, *Al-Mustaṣfā min ʿIlm al-Uṣūl* (Beirut: DKI, 2014): 274–75.

⁴² al-Gazālī, *Al-Mustaṣfā Min ʿIlm al-Uṣūl*, 275.

⁴³ 'Alī Jum'ah, *Ru'yah al-Fiqhiyyah Ḥaḍariyyah li Tartīb al-Maqāṣid al-Syar'iyyah* (Mesir: Nahḍah Miṣr, 2010): 29.

⁴⁴ Nurhayati Nurhayati and Muhammad Syukri Albani Nasution, "Maqāṣid Al-Sharīa in the Fatwa of the Indonesian 'Ulamā' Council Regarding Congregational Worship During the COVID-19 Pandemic," *Asy-Syar'ah: Jurnal Ilmu Syari'ah Dan Hukum* 54, no. 2 (September 10, 2020): 271, <https://doi.org/10.14421/ajish.v54i2.895>.

In his initial fatwa on Mehwar TV (February 2), he asserted, “Every Egyptian citizen must return to their homes so that life can resume, Egypt can recover from the turmoil, and return to goodness.” In this context, he referenced the universal hadith: “Indeed, your blood, your property, and your honor are sacred (forbidden) to you.”⁴⁵

For Gomaa, the actions taken by the demonstrators have surpassed acceptable limits. In this context, he classifies the act of riotous demonstration as opposing the *imām*, which is deemed prohibited (*ḥarām*). He likens exceeding the prescribed limits in medication to the potential harm caused by such actions. Gomaa advocates reflection on this matter and encourages the legitimate government to fulfill its responsibilities, emphasizing the potential for destruction without proper governance. Gomaa stressed:

The need for change without causing ruin, asserting that opposing the legitimate government is forbidden, as per the consensus of Muslims, both in the East and the West, spanning the Salaf and the Khalaf.⁴⁶

Gomaa referred to a specific hadith in that fatwa statement, albeit one considered weak (*ḍa'if*). The hadith he quoted was, “*Fitnah* (disorder) is sleeping. God curses the person who awakens it.”⁴⁷ Consequently, it can be inferred that Gomaa's initial fatwa is methodologically grounded in the classical ‘ulamā’ viewpoint concerning opposing the *imām* and employs the reasoning of *sadd al-dzari'ah* (prevention). This rationale dictates the prevention of more severe harm, particularly in the form of a leadership vacuum that could exacerbate the chaos in the country. It is noteworthy that the *Fitnah* hadith, due to its weak status, cannot serve as a decisive argument; however, it does contribute to reinforcing the discourse of prohibition.

⁴⁵ In this article, we use *al-Mausū'ah al-Hadīšīyah* from site *al-Durar al-Sanniyah* (<https://dorar.net/hadith>) to find out the status of the hadith quoted by Gomaa. Al-Syaukānī explained in *al-Faṭḥ al-Rabbānī* (8/3776) that the hadith is *al-mutawātir ma'nā*. The following is a quote from the hadith. “Inna dimā'akum wa amwālakum wa 'a'rāḍakum ḥarām.”

⁴⁶ *Muḥtāṣir Miṣr*.

⁴⁷ “al-Fitnah nā'imah la'ana Allah man aiqaḍahā.” Muḥammad Jār Allah in *al-Nawāfiḥ al-'Aṭrah* (218), al-Albānī in *Ḍa'if al-Jāmi'* and al-Silsilah al-Ḍa'if considered this hadith weak (*ḍa'if*).

In an interview on al-Hekmah TV the same day, Gomaa reiterated the fatwa above, supplementing it with additional arguments, including the observation that most people supported Mubarak. Gomaa stated:

“Indeed, leaving the legitimate government is forbidden, forbidden, and forbidden. What you are doing now is a deed that brings no benefit to the country. And so on. Meanwhile, in the whole world, it has become clear that the people are actually with Mubarak. The majority of the people are with Mubarak. He is the legitimate government that we are commanded to preserve.”⁴⁸

Gomaa reiterated the hadith about awakening sleeping *fitnah* (disorder) and then expressed a sentiment in alignment with another hadith, “And you have all united upon the heart of one person (the leader), and then someone comes to you to separate from the leader, then kill him wherever he is.”⁴⁹ In his explanation, he clarified that he was not issuing a fatwa for the police to kill the demonstrators. However, the crucial point he intended to convey was that, before these extensive demonstrations, Egypt was united under a legitimate government. The demonstrators, according to Gomaa, had severed this unity, and he urged them to fear Allah in their dealings with the legitimate government, cautioning that opposing it would lead them down a dark path with no benefit.

In that interview, Gomaa conveyed the perspective that the needs of the Egyptian people had already been fulfilled. He grounded this perception of sufficiency in the hadith: “Whoever among you has a safe path, good health, and food for the day, so he is like getting the whole world.”⁵⁰ Gomaa found it perplexing that the demonstrators, who, in his view, had their basic needs met, sought to jeopardize the legitimate government. According to him, their aim to overthrow it would only result in chaotic consequences that are deaf, mute, and

⁴⁸ Maqṭā’ Ṣautī Li al-Muftī ‘Alī Jum‘ah Aṣnā al-Ṣarah Wa Yu‘alliq ‘alaih al-Syaikh Sa’d al-Azharī, 2011, https://www.youtube.com/watch?v=hzf_79q9fKo.

⁴⁹ The following is a quote from Gomaa’s statement. “Izā kuntum jamī‘a ‘alā qalb rajul wāḥid wa jā‘akum man yakhruju ‘alaih faqtulūh kā‘ina man kāna”, The Following is a hadith narrated by Muslim (No. 1852). “Man atākum wa amrukum jamī‘(an) ‘alā rajul wāḥid yurīd an yasuqq ‘aṣākum au yufarriq jamā‘atakum faqtulūh.”

⁵⁰ Man aṣbaḥa minkum āmin(an) fī sirbihi mu‘āf(an) fī jasadih ‘indah qūt yaumih fa kannamā ḥīzat lah al-dunyā. Al-Baihaqī (No. 3352).

blind. He asserted that the events in Tunisia did not lead to anything significant, and Egypt had no need to emulate them.⁵¹

What Gomaa portrayed in the context above reflects his support for the legitimate government. However, this depiction does not encompass the comprehensive reality of the Egyptian people's conditions under the Mubarak regime, which spanned 30 years. Al-Qaradhawi, a dissenting scholar to Gomaa during the turmoil of the Egyptian Revolution, provided an alternative perspective on the living conditions of the Egyptian people, presenting a macro and academic viewpoint. As the International Union of Muslim Scholars (IUMS) leader on January 30, he asserted that Egypt had experienced deficiencies in military strength, education, economy, democracy, and health. At the onset of Mubarak's regime, Egypt's debt was a mere 12 billion pounds, but it surged to 880 billion pounds. The poverty rate in Egypt had escalated to 40%. The plight of people experiencing poverty worsened while the affluent continued to prosper. The Egyptian people were confined under the emergency law, restricting their freedom.⁵²

On the subsequent day (February 3), Gomaa issued another fatwa. This fatwa was not as stringent as the initial one prohibiting demonstrations. In a climate where demonstrations were intensifying, clashes were occurring between Mubarak's opponents and supporters, and Al-Qaradhawi had issued calls and a fatwa to conduct large protests on Friday (February 4) after the Friday prayers, Gomaa issued a more lenient fatwa. Through this fatwa, Gomaa conveyed two key points: the permissibility of skipping Friday prayers during a chaotic situation (*fitnah*) and the recommendation for peaceful demonstrations without conflict. In this fatwa, Gomaa categorized the tumultuous demonstrations that led to numerous casualties and extensive damage as chaos. Through this categorization, Gomaa sanctioned Muslims to abstain from attending Friday prayers amid the chaotic situation. In support of this stance, Gomaa referenced the opinions of other scholars (*'ulamā'*) in his statement:

“All jurists from all schools have stated that it is permissible to skip Friday prayers. My point is that someone might choose not

⁵¹ Maqtā' Šautī Li al-Muftī 'Alī Jum'ah Ašnā al-Šaurah Wa Yu'alliq 'alaih al-Syaikh Sa'd al-Azharī, 2011, https://www.youtube.com/watch?v=hzf_79q9fKo.

⁵² al-Qaradāwī, 25 *Yanāyir Sanah 2011 Šaurah Sya'b*, 35–42.

to attend Friday prayers tomorrow. I have received dozens, even hundreds, of questions about whether it is allowed not to go to Friday prayers tomorrow. It is true; when one is concerned about chaos affecting their soul or property, they can skip Friday prayers. I am not saying, O servant of Allah, to skip tomorrow's Friday prayer. No. It's just that if someone wishes to attend, they must maintain calm and avoid disputes. When expressing political opinions, whether in defense or opposition to the government, do so in civilized, peaceful demonstrations without conflicts, and avoid harming each other."⁵³

Less assertive than the previous fatwa, he provides options to individuals in this one. If someone wishes to attend Friday prayers, they must maintain peacefulness and avoid discord. However, if someone fears chaos, they may skip the Friday prayer and replace it with the *Dhuhr* prayer. So, in this case, there is a distinction between the first and second fatwa regarding the issue of avoiding chaos, specifically between stopping a riotous/chaotic demonstration by ending the demonstration and stopping a raucous demonstration by refraining from participating in the riot. Gomaa said:

Someone concerned about their soul or property, or does not wish to participate in the chaos or the demonstration, is obligated not to perform Friday prayers tomorrow, according to all jurists and all schools of Islam, as Ibn Rajab al-Hanbalī stated in his commentary on al-Bukhārī, 'The obligation of Friday prayer is invalidated due to various circumstances.' One of these circumstances is concern for one's soul and property.⁵⁴

Gomaa cautioned the public against engaging in rough behavior, referencing the hadith: "The Muslim is the one from whose tongue and hand the Muslims are safe, and the believer is the one whom people trust with their lives and properties."⁵⁵ He also reminded the demonstrators to adhere to the rope of Allah (*ḥabl Allāb*) and to avoid disputes (QS. Al Imrān [3]: 103).⁵⁶ Following this fatwa, Gomaa

⁵³ *Fatwā Dr. 'Alī Jum'ab Bi Khuṣūṣ Tazāburāt Yaum al-Jum'ab.*

⁵⁴ *Fatwā Dr. 'Alī Jum'ab Bi Khuṣūṣ Tazāburāt Yaum al-Jum'ab.*

⁵⁵ Al-Muslim man salim al-Muslimūn min lisānih wa yadih wa al-mu'min man aminah al-nās 'alā dimāihim wa amwālihim. al-Tirmizī (No. 2627).

⁵⁶ *Fatwā Dr. 'Alī Jum'ab Bi Khuṣūṣ Tazāburāt Yaum al-Jum'ab.*

issued another statement, although it was not a legal statement. During his visit to the injured victims at al-Husain Hospital in Cairo, he mentioned that demonstrations represent human and constitutional rights in their best form. However, he pointed out that the experience of democracy worldwide is still distant from Egypt's current situation. Gomaa expressed his hope for Egypt to return to peace and become stronger despite the ongoing crisis.⁵⁷

The Shifting Approach of Gomaa Fatwas: An Effort to Influence the Public

The essence a mufti seeks in his fatwa is the attainment of benefit. Amidst the tumult in Egypt, the realization of this benefit is contingent upon ending violent demonstrations, thereby safeguarding both life and property. The mufti's responsibility is to issue a fatwa capable of quelling such disturbances. In Gomaa's perspective, the resolution to this predicament lies in discontinuing protests, with demonstrators accepting Mubarak's proposed reforms. Conversely, al-Qaradhawi contends that the remedy involves Mubarak's resignation, which catalyzes widespread demonstrations and the subsequent transition towards a democratic state.⁵⁸

Drawing upon the insights provided in section C, we contend that Gomaa's role as the Grand Mufti dictates that he refrains from taking an adversarial stance against the government. Applying Althusser's theory, we find it fitting to characterize Gomaa as an ideological state apparatus.⁵⁹ In this capacity, he serves as a state apparatus entrusted with the task of disciplining the public through the dissemination of knowledge. In this context, the state mufti employs religious discourse, articulated as fatwas, to instill discipline within the society. As highlighted by Purwanto, religion emerges as a potent tool

⁵⁷ *Al-Muġīr: Miṣr Maḥsūdab Li Annabā 'alā Naṣīyah*, (2012), <https://www.youtube.com/watch?v=AqcNMrdpaVM>.

⁵⁸ Al-Qaraḍāwī's fatwas can be read in al-Qaraḍāwī, *25 Yanāyir Sanah 2011 Ṣaurah Sya'b*.

⁵⁹ Louis Althusser, "Ideology and Ideological State Apparatuses (Notes towards an Investigation)," in Slavoj Žižek (ed), *Mapping Ideology* (London dan New York: Verso, 1994): 109–13.

for societal discipline, commanding obedience from the community.⁶⁰ Consequently, Gornaa, with his expertise in Islamic legal theories (*uṣūl al-fiqh*), assumes a position of authority in addressing religious matters.

Historical records substantiate that the state mufti is frequently used to endorse governmental legitimacy. Nashr Farid Washil (1996-2002) initially declined the offer to assume the role of Grand Mufti. However, upon Mubarak's persuasion, he eventually acquiesced. Subsequently, his position was replaced by al-Tayyeb because some of his fatwas did not align with the government. These fatwas included prohibitions on cigarettes, rejection of the inheritance of the presidency, and opposition to Mubarak's pressure to issue a fatwa allowing the deployment of soldiers to Israel. In expressing his refusal to become a state mufti, he stated:

I have a methodology in issuing laws, which is that I adhere to a moderate, scientific, and academic approach that relies on evidence, proof, and sources. There is nothing else. I can't be a mufti under the influence of authority or, as people commonly say, 'the mufti of rulers' (*shaikh mufti malak*).⁶¹

In the case of Gornaa, Ibrahim argued that Gornaa is a loyal cleric and can work with the government. In line with Bachar et al., explaining that the Egyptian establishment 'ulama' walks hand in hand with the government, Ibrahim attributed this excellent relationship to Gornaa. He said:

His stance on the demonstrations, at least to external observers (as Egyptians themselves may have numerous clues to form their opinions about him), would eliminate any doubt that the regime selected him because it was confident in his unwavering loyalty and ability to align with its agenda. Interestingly, in this scenario, being moderate and a tool of the regime are not mutually

⁶⁰ Tinggal Purwanto, "Kesetaraan Gender Dan Relasi Kuasa Dalam Tafsir Al-Qur'an Tematik Kementerian Agama Republik Indonesia" (*Dissertation*, UIN Sunan Kalijaga Yogyakarta, 2018): 40.

⁶¹ Hilāl, *Al-Iftā al-Miṣriyyah: Min al-Ṣaḥābi 'Uqbah Ibn 'Āmir Ilā al-Duktur 'Alī Jum'ah*, 7:4629.

exclusive qualities; they complemented each other perfectly in advancing the regime's interests.⁶²

In the context of the Egyptian Revolution, Gomaa's fatwa, which mandated demonstrators to disperse, came after Mubarak's responsiveness to the protesters. Mubarak's reactions, involving dialogue offers, reform promises, and cabinet changes, were conveyed between the 29th and 31st of January. Subsequently, on the 2nd of February, Gomaa called on the demonstrators to accept the government's proposed solutions, urging them to return home and prohibiting further protests due to concerns for the safety of lives, properties, and the nation. Suppose the well-being of the people and the nation solely drove Gomaa's fatwa. In that case, it should have been issued earlier, considering that incidents of unrest and violence had occurred since the first day on the 25th of January, escalating to looting, arson, and robbery by the sixth day on the 30th of January. Therefore, this fatwa can be perceived as a form of endorsing the solutions put forth by Mubarak.

Gomaa squarely placed the responsibility on the demonstrators through that fatwa, attributing the instability in Egypt to their actions. Notably, Gomaa strategically sidestepped any discussion of Mubarak's authoritarian rule over the past three decades or his government's response to the protesters. Aligned with the government, Gomaa's proposed solution to safeguard lives, properties, and the nation was to halt the demonstrators' activities without advocating for Mubarak's resignation.

Subsequently, Gomaa replaced the initial fatwa prohibiting demonstrations with another that allowed skipping Friday prayers and recommended peaceful demonstrations the following day. This shift from a strict to a lenient fatwa can be interpreted as a response to the demonstrators not adhering to the initial ruling. Additionally, the call for *Jum'ah al-Rahil*, within the context of the Arab Spring discourse, made Gomaa's first fatwa appear too 'conservative' or 'traditional', particularly in a setting where democracy was increasingly recognized as a fundamental value in governance.⁶³

⁶² Zakyi Ibrahim, "To Revolt or Not to Revolt: A Muslim Perspective on the Egyptian Experiment," *American Journal of Islam and Society* 28, no. 1 (2011): iii–iv.

⁶³ Read part C.

Drawing on Alfughi's theory, Gomaa's initial traditional fatwa can be understood within the framework of the modernization of politics, encompassing three key elements: the new organizational framework, the intellectual current, and international pressure. The mass demonstrations during the Egyptian Revolution culminated in earlier movements for change, including the *Kefaya* Movement (2004) and the April 6 Protests (2008),⁶⁴ constituting the new organizational framework. The international pressure is evident in the demand from Western countries and the U.S. for democratization, reflecting concerns for human rights and democracy.⁶⁵ The intellectual current involves the flow of thoughts within the Arab world regarding democracy, with scholars supporting the Arab Spring, such as al-Qaradhawi, al-Raisuni, Washfi Abu Zaid, and the network of scholars in IUMS,⁶⁶ representing the apex of this current.

This disparity in approach (standpoints) between the demonstrators and Gomaa becomes evident. The demonstrators adopt the perspective that protests are a right and a manifestation of democratic struggle (the modern approach). In contrast, Gomaa agrees that demonstrations equate to opposing the *imām*, rendering them forbidden (the traditional approach). Gomaa's fatwa lacks authoritative influence on the demonstrators in this inherent contradiction of approaches. According to Talal Asad, authority can only be established through a collaborative achievement between the narrator and the audience. Asad emphasizes, "Because such authority is a collaborative achievement between narrator and audience, the former cannot speak in total freedom."⁶⁷

In light of the explanations above, we contend that Gomaa's shift from prohibiting demonstrations to endorsing peaceful ones reflects an attempt to enhance the acceptability and authority of his fatwa, all while preserving its persuasive impact to discourage demonstrators. Consequently, he transitioned from framing

⁶⁴ Alfughi, "Historical Origins of the Arab Spring in Tunisia, Egypt, and Libya: A Theoretical Analysis," 68.

⁶⁵ Alfughi, 145.

⁶⁶ Warren, "Religion, Politics, and the Anxiety of Contemporary Maṣlaḥa Reasoning: The Production of a Fiqh al-Thawra after the 2011 Egyptian Revolution, (London & Boston: Brill, 2019): 226–48.

⁶⁷ Asad, *Genealogies of Religion*, 210.

demonstrations as acts opposing the *imām* to presenting them as a legal matter not explicitly addressed in the texts. This strategic adjustment is intended to fortify the authoritative nature of his fatwa as a collaborative achievement, even though his political alignment with the government remains unchanged. The primary objective of this fatwa is to dissuade the public from participating in large demonstrations following Friday prayers.

Conclusions

The resolution of the 2011 Egyptian Revolution would only materialize with the cessation of demonstrations. The quest for a solution necessitated a concession from one of the parties involved — either President Mubarak stepping down from his presidential position or the demonstrators relenting and entrusting reforms to Mubarak. In this scenario, Gomaa's fatwas validate the latter solution. Gomaa's stance can be comprehended through his role as the state mufti. Consequently, he issues fatwas as an integral part of the state apparatus, proposing solutions to achieve *maṣlahah* (preserving soul and property) amid the upheaval. In this context, Gomaa releases a fatwa prohibiting demonstrations and urging demonstrators to disperse. Nevertheless, this fatwa is not acknowledged as authoritative by the demonstrators, given their democratic values that perceive demonstrations as an expression of freedom of speech rather than an act opposing the *imām*, as characterized by Gomaa.

To enhance the acceptance and authority of his fatwa, Gomaa adjusted his approach to demonstrations. He transitioned from characterizing demonstrations as opposing the *imām*, rooted in preserving soul and property (a traditional approach), to framing them as expressing freedom of speech based on citizens' rights. Consequently, he permitted demonstrations while emphasizing peaceful conduct to safeguard souls and property. Despite this shift in approach, his political stance remained unaltered, persisting in his desire for demonstrators to cease their activities and urging others not to participate in the protests on *Jum'ah al-Raḥīl*. Seeking to influence public opinion, he granted permission for Muslims to skip Friday prayers during chaotic situations (*fitnah*). This evolution in approach signifies Gomaa's shift from a strict prohibition to a more subtly persuasive strategy. From the findings of this research, it can be inferred that *maṣlahah* exhibits subjectivity contingent on the

mufti/mujtahid employing it; human rights are values that must be considered in the formulation of *maṣlahah*, the mufti must align his approach with that of the audience to generate an authoritative and accepted fatwa; and aligning the mufti's approach with his audience, the mufti can still incorporate persuasion based on his aspirations.

Conflicts of Interest

The authors have no conflict of interest with any party in writing this article.

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