

Islamic Land: Muslim Genealogies of Territorial Sovereignty in Modern Morocco, *c.*
1900-1990

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
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ABSTRACT

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Abstract

This dissertation asks how Moroccan scholars understood Islam's relationship to national territory in the twentieth century. It demonstrates how a genealogy of scholars adapted expansive theories of premodern Muslim imperial realms to the circumscribed Moroccan national territory that emerged in the early twentieth century. In the colonial period, Islamic law became a tool through which Muslim scholars argued for independent Moroccan sovereignty. It traces these discourses as they evolved into Morocco's postcolonial effort to incorporate neighboring territories, including Mauritania and the Western Sahara. It argues that this modern irredentism was part of a wider effort to frame the Moroccan nation-state by repurposing the Islamic political norms through which premodern Muslim empires governed in the region. This dissertation concludes by examining the decade after Morocco's 1975 occupation of the Western Sahara. This period saw the unfolding of a series of debates about the Moroccan king's gender and divinity. It shows that the king's body had become a metonymy for territory; and these debates were attempts to reconfigure the relationship between religion, land, and power in Morocco.

For Lila

Table of Contents

Abstract	iv
Acknowledgements.....	viii
Introduction.....	1
The Concept of Territory	3
Territory as a Subject of Religious Studies.....	8
Religion and Space	10
Geopolitical Theologies	12
Territory as a Subject of Islamic Studies	16
Law, Politics, and Religion in Morocco	28
Chapter Breakdown and Methodology	33
Conclusion	37
Chapter One	39
Introduction.....	39
History, Sovereignty, and the Idea of Morocco.....	42
The Far Maghreb Bordered.....	42
Borders Within: Administrating the Far Maghreb.....	51
The Space of Law: Fiqh as a Chronotope of Morocco	58
A Fatwa on the Eve of the Colony: Wazzānī.....	61
The Maghreb as an Ideal Muslim Land: Wansharīsī.....	63
How far is the Maghreb?: Ibn Rushd al-Jadd	70
Abū Bakr ibn al-‘Arabī: Itineracy and Borders in the Premodern Maghreb and Andalusia	74
Deterritorializing Religion: Wazzānī and Islam in the Colony	81
Conclusion	83
Chapter Two.....	85
Kattānī: Virtual Muslim Unity Against the Nation.....	88
Ḥajwī: The Actualization of a Protected Nation.....	96
Sūsī’s Regional Islamic Knowledge	108
Muḥammad ‘Allāl al-Fāsī: Empire within Nation.....	117

Conclusion	124
Chapter Three.....	126
The Law of the Land.....	130
Greater Morocco	144
Allegiance to the Throne - Constitutional Sovereignty	156
Conclusion	160
Chapter Four	163
Chapter Plan.....	166
Morocco’s Case for the Western Sahara.....	167
Dār al-Islām and the Organization of Islamic Conference.	167
International Court of Justice and the Western Sahara.....	171
“My Dear People,” or Hassan II on the Sahara	184
Conclusion	189
Chapter Five.....	194
God’s Shadow on Earth	197
The Spirit of the Law	213
Conclusion	234
Society, State, and Religion.....	237
Islam Territorialized and Deterritorialized	242
Islamic All the Same.....	244
Albeit Differently So.....	247
Territory’s End.....	250
Bibliography	253
Biography.....	265

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I feel lucky to count Kambiz GhaneaBassiri among my friends. But before he was my friend, he was my teacher. Encountering him my freshman year of college

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Introduction

This dissertation refers to a place that is difficult to name. In English, we call the country that wraps around the northwest corner of the African continent, Morocco. The region that it is part of is called the Maghreb [*al-Maghrib*], in English and in Arabic. The Maghreb is located roughly west of Egypt and between the Mediterranean to the north and the Sahara to the south—an area much larger than Morocco. In Arabic, the country under consideration is officially called, *al-Mamlaka al-Maghribīya*, which, for the sake of clarity, we could translate as “The Moroccan Kingdom,” but which would also avail itself of, “The Maghrebi Kingdom,” or, more literally, “The Western Kingdom.” For short, Arabic speakers call the country, *al-Maghrib*. The English word, Morocco, is a corruption of the name of an important trading city in the south of the country, Marrakesh [*Marrākush*]. Calling the nation after one of its cities is not as odd as it might sound. Premodern Muslim geographers and historians often used Marrakesh as synecdoche for the larger geographical and political unit of which it was a part. When they were not using the city to stand in for the whole, they spoke of “The Far Maghreb [*al-Maghrib al-Āqṣa*]” or, less commonly, “The Bank [*al-Idwa*],” a reference to the fact that the region abutted the Atlantic Ocean. In other words, the English locution, Morocco, is more precise and, in a sense, more historical than its Arabic name.

Still, the name *al-Mamlaka al-Maghribīya* says a great deal about the subject of this dissertation. The literal meaning of *maghrib*, the west, already carries with it a distinctively Muslim geographical imaginary. It puts the country in relation to the birthplace of Islam in Arabia. But, cleaving the Maghreb of its adjective, “Far,” removes its relationship with the erstwhile “Near” and “Middle” Maghrebs (roughly, Libya and Tunisia-Algeria, respectively). *Al-Mamlaka al-Maghribīya* is aspirational.

The Kingdom aspires to be the inheritor of the entirety of the Maghreb and, hence, the *locus classicus* of Islam in the “West.” In its more ambitious moments, it desires to be the last outpost of Islam itself. Territorial-religious-political aspiration is at the heart of this story.

A nation-state that takes its name from a premodern Muslim toponym lends itself well to the central questions of this dissertation: what is the significance of territory to the Islamic nation-state? How were older Islamic legal and political norms of jurisdictional and political space adapted to the territorial norms that emerged and mutated in the twentieth century? Answers to these questions can shed light on one of the most pressing questions in the study of modern Islam: what has been the impact of nationalization on Islam? Several important works have helpfully answered this question.¹ But few works have considered the way that the establishment of national borders altered the theory and practice of Islamic legal, political, and theological discourses, or, indeed, how Islamic discourses participated in establishing and expanding national territory. Scholars from a wide variety of disciplines have instead sought to account for the impact of legal codification and state centralization on Islamic law. Yet, in twentieth century Morocco, many Muslim thinkers turned their attention to understanding the significance of geographical space to their condition as an Islamic nation. Crucial for making Islam integral to the nation-state was adapting expansive theories of premodern Muslim imperial realms to the circumscribed Moroccan national territory that emerged in the early twentieth century. These

¹ See for example: Hussein Ali Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago: The University of Chicago Press, 2012); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*. (Stanford, Calif.: Stanford University Press, 2003); Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013); Iza Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (Chicago: University of Chicago Press, 2016); Ebrahim Moosa, “Colonialism and Islamic Law,” in *Islam and Modernity: Key Issues and Debates*, eds. Muhammad Khalid Masud, Armando Salvatore and Martin van Bruinessen (Edinburgh: Edinburgh University Press), 2009, 158-181.

Moroccan thinkers utilized longstanding Islamic legal and political concepts to theorize the emergence of national territory. Along the way they transformed those concepts, shaping them to give meaning to a new concept: Islamic territory.

The Concept of Territory

The lead up to Morocco's 1912 colonization by France and Spain saw both French and Moroccan scholars engaged in a process of trying to account for Morocco as a political and religious space. Both sets of scholars created archives that sought to describe the constitution of Morocco by documenting its history, laws, social segments, and customs. Both groups of scholars sought to render Morocco coherent, meaning they wanted an internally consistent and externally recognizable space. They did so, however, for opposite reasons. French scholars sought a "native policy" with which to govern. Moroccan scholars sought evidence of coherence with which to prove their country's sovereign right to self-determination. Both of these projects took Islam to be central to Morocco's coherence. For their part, Moroccan scholars at the dawn of the twentieth century set off a process of translating premodern Muslim political and legal theory into terms legible to emergent notions of national sovereignty. That project would last a century or more.

This was a process of transforming *norms* so that they might meet each other. For example, in precolonial Morocco, the old Muslim constitutional concept of the Pledge of Allegiance (*bay'a*)—by which a local leader would give his support and that of his subjects to the caliphal authority in exchange for protection—was a central tool of governance. In postcolonial Morocco, politicians frequently referred to the institution of the Pledge of Allegiance as they sought to prove their sovereignty over neighboring territories. As we will see, Morocco's irredentist projects—their attempt to reclaim territories thought to be unjustly taken—was central to the Morocco nation-

state's aspiration to assert its identity as an Islamic polity. For early postcolonial Moroccan irredentists, the nation's coherence relied on the equation of the Muslim institution of the Pledge with territorial sovereignty. Yet, what they sought to prove was different from what the Pledges of Allegiance evinced. The Pledges were signs of an ideal type of relationship between a caliph and local leaders, which unfolded a set of claims of mutual obligation between the representatives of God on Earth. Geographical space was not absent from this arrangement; but it appeared in less uniform or clearly defined terms than the modern concept of territory. What Moroccan politicians sought through their irredentist projects was *territorial* sovereignty, that is the exclusive right to control a defined area. Thus, they strove to translate one norm into the other. However, the Pledge of Allegiance and territorial sovereignty expressed ideals of power and governance that were always undermined and changing in practice. Territorial sovereignty, in particular, remains a vexed and self-defeating concept, if an enormously important one.

Scholars working in the humanities have recently probed the importance of territory for modern political formations. The significance of the territorial in works by Carl Schmitt, Henri Lefebvre, Michel Foucault, Gilles Deleuze and Felix Guattari, and Wendy Brown have all significantly shaped philosophically inflected accounts of geopolitics in the (post)colonial period.² A recent work problematizes and historicizes the concept of territory itself. In *The Birth of Territory*, the geographer, Stuart Elden, shows that territory is not the ahistorical phenomenon that it is often taken to be.

² Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2010); Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987); Gilles Deleuze and Félix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, trans. Robert Hurley, Mark Seem, and Helen R. Lane (New York: Penguin, 2009); Michel Foucault, *Security, Territory, Population: Lectures at the Collège De France, 1977-78*, ed. Michel Senellart, trans. Graham Burchella (New York: Palgrave Macmillan, 2007); Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Oxford: Blackwell, 1991); Carl Schmitt, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, trans. G.L. Ulmen (New York: Telos Press, 2003).

Instead, it represents a particularly modern way to organize power and space. Territory is a calculative determination of space that combines with technologies of power. Its emergence was conditioned by the development of particular mathematical and cartographic methods; and it results in the notion that a geometrically specified space is the exclusive domain of a single power.³ Elden's theory falters, however, because, by his own admission, it is exclusively focused on Western Europe and, in my analysis, because it takes the secularization thesis too seriously.⁴ By looking at the Moroccan irredentist claims in what follows, I critique and nuance some of Elden's ideas.

Elden is useful for appreciating the historicity of the norm of territorial sovereignty. Analogs for territory existed in premodern legal thought; but its specificity was contingent on numerous technologies and infrastructures of rule. Its "birth" signified a transition from rule over subjects to rule over land and all that happened on it. The fact that territorial sovereignty is always incomplete in practice—borders are always unlawfully crossed and contested—does not make the concept less fertile. Morocco's brutal occupation of the Western Sahara is a good example. Morocco took over this large swath of land to its south in 1975 (the subject of Chapter Four). Today, The Western Sahara is both part of and not part of Morocco's sovereignty. It is continually punctured by Sahrawi independence fighters and, even though there is now a wall that runs along its eastern limit, the borders are always in flux, contestation, and reconstruction. Some members of the international community recognize some parts of Morocco's claim to the territory, its rights to the phosphates and oil, for example, but many do not. This liminal example expresses a second

³ Stuart Elden, *The Birth of Territory* (Chicago: The University of Chicago Press, 2013), 322-330.

⁴ *Ibid.*, 314.

conception of territory that is crucial to this dissertation: territory is a process through which human life and production is interrelated with the Earth.

Gilles Deleuze and Félix Guattari helpfully extract the meaning of territory from its domination by the state. They understand territory instead to be a rhythmic connection between bodies and the Earth. They write:

The notion of territoriality merely appears ambiguous. For if it is taken to mean a principle of residence or of geographic distribution, it is obvious that the primitive social machine is not territorial. Only the apparatus of the State will be territorial in this sense because, following Engel's formula, it "subdivides not the people but the territory," and substitutes a geographic organization for the organization of *gens*. Yet even where kinship seems to predominate over the earth, it is not difficult to show the importance of local ties. This is because the primitive machine subdivides the people, but does so on an indivisible earth where the connective, disjunctive, and conjunctive relations of each section are inscribed along with the other relations [...] When the division extends to the earth itself, by virtue of an administration that is landed and residential, this cannot be regarded as a promotion of territoriality; on the contrary, it is rather the effect of the first great movement of deterritorialization on the primitive communes. The immanent unity of the earth as the immobile motor gives way to a transcendent unity of an altogether different nature—the unity of the State; the full body is no longer that of the earth, it is the full body of the Despot.⁵

Their understanding of territory is precisely the inverse of Elden's. The state's function of organizing geography rather than people is, according to Deleuze and Guattari, a process of *deterritorialization*, of disconnecting people from their productive relationships with the "immobile motor" of the earth. We need not accept this as a historical claim—one that champions a "primitive" relationship to the earth—to appreciate its profundity. The situation of control that a state exerts on the surface of the earth, the drawing and policing of boundaries, is an abstraction from processes of building a habitable space in dynamic and rhythmic relation with the Earth. In the absence of walls and checkpoints, borders are only visible on maps.

⁵ Deleuze and Guattari, *Anti-Oedipus*, 145-6.

They become clearer the further one moves from their alleged geographical location. In this meaning of territory, humans are not distinct from other “territorial” animals. Deleuze and Guattari write, “[Territory] has the interior zone of a residence or shelter, the exterior zone of its domain, more or less retractable limits or membranes, intermediary or even neutralized zones, and energy reserves or annexes.”⁶ They describe territory as the creation of an interior and an exterior, with a mobile and permeable barrier between the two. The feminist philosopher, Elizabeth Grosz, elaborates that to create a territory is to create, “both an inside, an outside, a passage from one to the other, and a space that is annexed, outside, contestatory.”⁷ Here, Elden’s political understanding and Deleuze and Guattari’s bio-philosophical understanding seem to synch up. To take the Western Sahara as an example again: we find a contested and ongoing attempt to create an inside and an outside through annexation. The reason why this is, for Deleuze and Guattari, a process of deterritorialization rather than territorialization is that the “Despot”—the political leader—now asserts his primacy in the region. The Earth is no longer seen as the prime mover of life. Rather, the state claims power over production, as is encapsulated in figures like “Gross National Product.” In Chapter Five, we will see how the Moroccan king’s body came to replace the body of the Earth as the powerful site of productivity.

This dissertation strives to make clear which version of territory it is deploying without deciding between them. It most often refers to the historical-political sense of territory as the attempt by a single state to have exclusive control over a determinate area. However, it also borrows two important territorial concepts

⁶ Deleuze and Guattari, *A Thousand Plateaus*, 314.

⁷ Elizabeth Grosz, *Chaos, Territory, Art: Deleuze and the Framing of the Earth* (New York: Columbia University Press), 47.

from Deleuze and Guattari. First is the notion that territorialization is always accompanied by deterritorialization and reterritorialization. In a somewhat too literal example: when the Moroccan state territorialized the Western Sahara, the Sahrawis were deterritorialized from their migratory rhythms in the region and reterritorialized to refugee camps in Algeria. The three-step process of territorialization, deterritorialization, and reterritorialization is a helpful guide for understanding the story of this dissertation. Second, one of the impetuses for Deleuze and Guattari's understanding of territory is anti-fascism, where fascism is defined as "love of power," as Michel Foucault points out in his introduction to *Anti-Oedipus*.⁸ Deleuze and Guattari's understanding of territory is intentionally mobile. It shows how territory undermines itself. That is, how claims to singular and unitary power over a space contain their undoing within themselves. This is because space itself is plural, meaning that its multiplicity of dimensions and infinite possibilities for subdivision make claims to its possession slippery and unwieldy. This dissertation tries to capture the power-resisting sense of territory as Earth as well as the power-making sense of territory as the State's spatial extent.

Territory as a Subject of Religious Studies

I have been told by more than one leader in the field of Maghreb studies that my disciplinary commitments to religious and Islamic studies are impediments to the project of understanding the story of Morocco's territorial sovereignty, particularly as concerns the Western Sahara. They have cautioned that, to be able to tell the whole story of Morocco's transition from protectorate to independence to irredentism, one should not be limited in the kinds of materials one is able to analyze. The case against (what is assumed to be a) narrow focus on religion may also be made by many of

⁸ Michel Foucault, "Introduction," in Deleuze and Guattari, *Anti-Oedipus*, xiii.

those with a vested interest in Morocco's sovereignty, or lack thereof, in the Western Sahara. Those who have studied the International Court of Justice hearing over sovereignty in the Western Sahara often understand religion to have been part of a package of evidence that Morocco used to lay claim to the territory. For them, overstating the case of Morocco's *Islamic* sovereignty shifts the argument in ways that might help or, more likely, harm Morocco's claim. This is because international politics are presumed to be secular.⁹

One knows what those making these arguments against religion mean. There were clearly strains of discourse and activity that were central to Morocco's twentieth century narrative of independence and expansion that do not appear to be "religious" or "Islamic," *prima facie*. My initial response, which, I hope, might be understood by other religious studies scholars, was to assert the categorical ambiguity of the object of religion, an ambiguity that can translate into thematic expansiveness. This response, of course, risks diffusing religion out of existence and so runs headlong into the kinds of critiques and meta-critiques that have structured and striated the discipline for some time.¹⁰ Yet, my point, as I refined it over the course of several such conversations, was not simply that religion is a vague concept, which would allow the discipline to reasonably take up any human or (has recently been argued) non-human activity as its object.¹¹ It was to indicate that any of the other features of the Moroccan territoriality have genealogical intersections with discourses that are more recognizably religious. In the European political philosophy of the early modern period, for example, the theories of private property and territorial sovereignty were

⁹ See: Elizabeth Shakman Hurd, *The Politics of Secularism in International Relations* (Princeton: Princeton University Press, 2008).

¹⁰ See, for example: Russell T. McCutcheon, *Manufacturing Religion: The Discourse on Sui Generis Religion and the Politics of Nostalgia* (New York: Oxford University Press, 1997).

¹¹ See, for example: Donovan O. Schaefer, *Religious Affects: Animality, Evolution, and Power*. (Durham, NC: Duke Univ. Press, 2015).

nearly always theorized in relationship to God. Questions of how and by what right a community can occupy a part of the Earth often lead to what has been termed the “political theological,” about which more below.

Religion and Space

This dissertation is situated at the intersection of two important topics in the study of religion. The first is political theology and the second is the “spatial-turn” as it has been taken up in religious studies. In her work, *The Location of Religion*, the scholar of Hinduism, Kim Knott, helpfully summarizes some of the key findings of spatial approaches to religion. It is worth quoting her list in full:

1. Body and territory are formative for the notion of the ‘sacred,’ that is for marking off or setting apart things, places, and events;
2. sacralisation (or ritualisation) produces distinctive space, that is, places, persons, objects, and events;
3. spaces, including those that are religious or in which religion is situated, are constituted of power relations; they are sites of contestation;
4. like other spaces, religious spaces are materially and ideologically produced and reproduced;
5. late-modern conditions require new geographies of religion (which look beyond the officially religious, and are sensitive to differences in context, aesthetics, scale, constituency, dialectics, and morality);
6. the understanding of late-modern social and cultural (including religious) process benefits from the application of a new spatial terminology;
7. globalisation gives rise to new religious spaces, and offers novel means for religious people, communities, ideas, practices and symbols to migrate, stake claims, and establish themselves;
8. global and local religious spaces mutually reinforce one another; both are stimulated by globalisation;
9. local places, objects, persons, and events—in which religion is situated—are not merely particular and parochial as they often focus the conditions and processes evident at large scales; some may even be exported and globalised;
10. an investigation of particular, local spaces, provides a different perspective on the location of religion to those approaches which take ‘World Religions’ and generic religious categories and dimensions as their objects of study.¹²

¹² Kim Knott, *The Location of Religion: A Spatial Analysis* (Oakville, CT: Equinox Pub., 2005), 122-3.

This list brings together some of the most important findings in geography and religious studies over the last couple of decades. In fact, these findings tend to run parallel and to be mutually supporting. Both the study of religion and the study of space take their objects to be socially constituted, existing not as *sui generis* categories but as mixed with and inseparable from other facets of social life. Both the study of religion and the study of space have made claims that the body is a crucial site for analysis. Finally, the claim is made that neither religion nor space should be taken as passive or ideologically neutral containers for human activity. Space, in particular, should be thought of as an active agent in the production of cultural life. In Knott's words, "It is the means and the outcome as well as the medium of social and cultural activity."¹³

Knott's point number ten calls for a new language of religious space that transcends the boundaries of individual traditions. Her argument is that taking the alleged "world religions" as a starting point can hinder rather than help the effort to see religion as located in space. She advocates for studies that look at particular spaces and ask how "religion" unfolds within and as part of those spaces. This point, like the above summarized ones, is well taken. Indeed, the present situation, which she refers to as both "late modernity" and "globalization," is one in which mixing and plurality occur with such frequency that it would make little sense to begin from some notion of, for example, "Islamic space" as something apart from any other space. Nor would it make sense to deductively understand a particular Islamic space from a broad notion of how Islam produces and organizes space. Instead, her call is for inductive, micrological studies that investigate how local actors embody spaces as religious.

¹³ Ibid., 34.

Religion does not happen “out there,” only later to be imported into a local space. The local space is, itself, generative of religion. That said, these points risk ignoring people’s own claims to define spaces within terms offered by their own traditions. The search for a new spatial language with which to understand religion should also pay attention to religious traditions’ own vocabularies for understanding and producing space. Along with the use of critical theory to understand and define of territory, this dissertation is explicitly interested in categories of space and power that Moroccan theorists themselves deployed. It asks how they coordinated their spatial and political categories with those of another tradition, the normative order of territorial nation-states. Political-theology, specifically political theologies of space, prove a useful analytic for understanding how this coordination took place.

Geopolitical Theologies

By political theology, I refer to the diverse ways that actors articulate the relationship between political power and religious life, or, stated differently, between the formation of political communities and discourses about personal or collective salvation, whether explicitly religious or not.¹⁴ A great deal of recent scholarship has returned to the concept of the theological to understand sovereignty (and the potential waning thereof) in the nation-state. The highly problematic Nazi jurist Carl Schmitt represents a horizon for contemporary discussions of political theology,¹⁵ though his work was by no means the first to show the importance of the theological to the

¹⁴ This conception of political theology is drawn from the work of the Egyptologist, Jan Assmann. See, for example: Jan Assmann. *Of God and Gods: Egypt, Israel, and the Rise of Monotheism* (Madison: University of Wisconsin Press, 2008).

¹⁵ See, for example: Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998); Brown, *Wall States*; Jacques Derrida, *The Beast and the Sovereign*, trans. Geoffrey Bennington (Chicago: The University of Chicago Press, 2009).

concept of sovereignty.¹⁶ There is not always agreement on what is meant (or what Schmitt meant) by “political theology.” Some scholars have argued that, for Schmitt, the concept of political theology did not require the concept of God. This gave rise to scholarship that viewed political theology as a metaphorical way to refer to the sovereign’s absolute authority or to non-theological political foundationalism.¹⁷ It is in this vein that Jacques Derrida undertook to show the self-deconstructive nature of sovereignty, which, the French-North African scholar argued, was always already split despite its claim to being unitary.¹⁸ Others have taken a stronger stance, indicating that Schmitt’s political theology was an argument for the direct infusion of God into the political sphere.¹⁹ For Giorgio Agamben, for example, sovereignty takes on the divine attribute of eternity. Both of these understandings, however, risk a universalist impulse. Political theology is taken, in the singular, to refer to *an* animating principle, literal or metaphorical, that subtends the political. Concomitant with the “essencelessness” of the concept of sovereignty—as autonomous power²⁰—the *theos* in political theology appears without qualification. For this reason, the political theorist, Wendy Brown, speaks of nation-states’ return to stronger statements of their theological commitments without regard for the potentially distinct nature of those commitments. In her description of modern aspiring sovereigns “who cast themselves as mediators for God or in the service of God—whether Allah, Jahweh, or the Christian Lord,” the three names are merely different annunciations of “God.”²¹

¹⁶ As Brown asserts, early modern, European thinkers who theorized God in relation to political sovereignty include, Abbé Sieyès, Jean Bodin, Jean-Jacques Rousseau, and Thomas Hobbes. Brown, *Walled States*, 60.

¹⁷ Aaron B. Roberts, “Carl Schmitt—Political Theologian?” *The Review of Politics*, 77, no. 3 (2017): 453.

¹⁸ See: Derrida, *Beast*.

¹⁹ Roberts, “Carl Schmitt,” 453-7.

²⁰ Brown, *Wall States*, 53.

²¹ *Ibid.*, 61.

In the wake of J.Z. Smith's critique, religious studies scholars have been especially wary of the tendency to erase differences between religions.²² Without making an ontological claim about the identity or non-identity of the God of different religions, it is possible to chart the ways that different theologies articulate differences and identities within and across religions. Some scholars have begun discussing the plurality of ways that politics and theology can be related. My understanding of political theology is informed by scholars like Jan Assmann and Remi Brague, who attempt to understand this plurality.²³ For this reason, I find it appropriate to speak of political *theologies*—articulations of the multiple ways that political authority and religious order can be related, within religions as well as between them.

What a turn to *geopolitical* theologies makes clear is that political theologies develop in relation to one another, even if they maintain distinct confessional commitments and draw on distinct genealogies. If, as Schmitt writes, “Every new age and every new epoch in the coexistence of people empires and countries, of rulers and power formations of every sort, is founded on new spatial divisions, new enclosures, and new spatial orders of the earth,”²⁴ then so too should new political theologies accompany new spatial orders. In this sense, Brown is right when she speaks of a global shift in political theology, as occurred when states returned to more explicit statements of their religious commitments in response to their waning sovereignty in the age of neoliberal capital and mass migration. Distinct theological genealogies colored different polities differently. Even as they bent to give shape to new

²² See, for example, the essays collected in: Jonathan Z. Smith, *Map is Not Territory: Studies in the History of Religions* (Leiden: Brill, 1978).

²³ Assmann. *Of God and Gods*; Rémi Brague, *The Law of God: The Philosophical History of an Idea*, trans. Lydia G. Cochrane (Chicago: University of Chicago Press, 2007).

²⁴ Schmitt, *Nomos*, 79.

geopolitical moments, there were important differences in how a Muslim state like Morocco articulated its political theology to contribute to shaping those moments.

This dissertation precedes on two interconnected hypotheses: first, there is a dynamic relationship between theology—in its etymological sense of talk about the divine—and how human communities relate to the space of the earth. By this I mean that God-talk shifts with and impacts new kinds of relationships between human societies as they play out on the space of the earth (geopolitics).²⁵ This is what I mean by “geopolitical theology.” Second, geopolitical theology affects how human subjects are constituted and conditioned. By this I mean that bodies and subjectivities are conditioned differently depending on how territory is made. Chapter One supports these theories with an overview of evolving geopolitical-theologies in the Maghreb the period between the twelfth and nineteenth centuries. This is not intended to be a total history of these ideas. Rather, it is a synoptic account of how Muslim polities were theorized in relation to geographical space from the apex of Muslim dominance on the western Mediterranean through the Reconquista and the dawning of global European colonialism. This synopsis largely proceeds from the point of view of Muslim theories of geopolitics throughout this period. But it also provides the opportunity to sketch the spatial extent and character of the Moroccan empire over the *longue durée*. This is crucial for two reasons. First, studies of colonial and postcolonial Morocco often proceed on vague hypotheses of what came before, creating an even bifurcation between the precolonial and the colonial. My account in Chapter One nuances this bifocal view to show how twentieth century thinkers drew

²⁵ I take Muslim theology to be broader than its normal affiliation with the formal discipline of dialectical theology (*‘ilm al-kalām*). Works in this highly developed apologetic discipline do normally contain a section on rulership and governance. References to the imamate and caliphate in these works, however, tend to be formalistic refutations of opposing theological camps, which therefore do not evince the dynamism that is found in other kinds of works.

on and adapted ideas that came before. Second, it is important to understand how various Moroccan dynastic empires expanded and contracted over these centuries because the spatial extent of premodern Maghrebi Islamic empires would become central to Morocco's twentieth century narratives of independence and irredentism. The latter are the subjects of the remaining chapters of this dissertation.

Territory as a Subject of Islamic Studies

In his work, *Nomos of the Earth*, Schmitt furnished an example from Islamic law: the distinction between *dār al-Islām*, the Abode of Islam, and *dār al-ḥarb*, the Abode of War. Schmitt wrote, “The purpose of such boundaries was to separate a pacified order from a quarrelsome disorder, a cosmos from a chaos, a house from a non-house, an enclosure from the wilderness.²⁶” For Schmitt, this example perfectly illustrated the concept of nomos as that which gathered within itself the relationship between geographical orientation and political order. *Nomos of the Earth* refined Schmitt's understanding of sovereignty by inscribing it on the earth. In his earlier work, *Political Theology*, Schmitt had written that sovereignty was a “borderline concept” (*Grenzbegriff*) because the sovereign determined the border between law and chaos.²⁷ Famously, he wrote, “[The] sovereign is he who decides the exception.”²⁸ By this Schmitt meant that law was only valid if a leader was vested with the authority to suspend it and to thereby delimit law from not-law.²⁹ In *Nomos of the Earth*, Schmitt seemed to clarify that this “borderline concept” was not a metaphorical description of sovereignty: the border *was* the sovereign and vice-versa.

²⁶ Ibid., 52.

²⁷ Carl Schmitt. *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab. (Cambridge, MA: MIT Press, 1985), 5.

²⁸ Ibid.

²⁹ Ibid.

He argued that friends and enemies (Schmitt's concept of the political) sprang from Earth itself, in the form of natural boundaries and as fences and walls.³⁰

Nomos of the Earth added something important to Schmitt's theory: it helped to clarify how there could be multiple sovereigns and multiple *nomoi*. The "fecundity" of the Earth gave rise to and nourished multiple imperial realms.³¹ In fact, Schmitt lamented the passing of the era of imperial competition, of multiple *nomoi*, and the rise of a singular American superpower. A corollary to this lament was his sadness at the burial of the theological nature of sovereignty under secular liberalism. While Schmitt's scaffolding of the political, the theological, and the geographical is instructive, his theory is far too normative and, indeed, lends itself to fascism. The historical record, as well as recent international debates over statehood and sovereignty, indicates that polities relate to the space of the earth and political theology in diverse ways.

In premodern Islamicate contexts, geography and Muslim legal formalism worked together and mutually depended to shape and nuance the broad bifurcation of the world into the world into the Abode of Islam and the Abode of War. An analogy for the historically conditioned nature of this distinction can be found in the context of European imperialism. Canvassing the context of European imperial law between the fifteenth and nineteenth centuries, the historian, Lauren Benton, describes how geographical tropes conditioned and informed the spread of law. Benton argues that European sojourners theorized and actualized the spread of law in relationship to distinct geographical features, like mountains, island chains, and river regions. This process was not the result of predetermined "maps" of how law ought to spread out

³⁰ Schmitt, *The Nomos of the Earth*, 41.

³¹ *Ibid.*, 70.

across an expanding empire; rather, it came about through the improvised work of imperial agents as they traveled and responded to new regions and political circumstances by way of analogy.³² Thus, for example, Christopher Columbus compared New World bays with European ports as he sought to bring them under the authority of the Spanish crown.³³ Travelers' notes fed into the making of the law. The eyewitness accounts of ship captains helped bolster legal arguments about a sovereign's right to particular regions.³⁴ Benton challenges the narrative of steady movement towards a "rationalization" of space throughout this period. Instead, she sees uneven and "lumpy" spread of law, with legal enclaves forming around particular geographies and other regions being left fully or partially in the local control, sometimes intentionally.³⁵ This observation challenges not just Schmitt's use of the Abode of Islam/Abode of War distinction but also his search for a grand historical narrative of sovereignty to accompany his normative theory. Benton calls our attention to a relationship between law and geography that is far more improvisational and contingent.

Benton's focus on the connections between law and geography triangulate to issues of political belonging. She writes, "We see the links between law and geography clearly in political conflicts centering on subjecthood, the definition of membership in political communities, and the scope and nature of delegated legal authority."³⁶ This observation holds equally true for Islamic law over the same broad period. While it obviously skirts over an enormously complex phenomenon that involved the competing and shifting interests of multiple Muslim empires, sub-

³² Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400 – 1900* (Cambridge, UK: Cambridge University Press, 2010), 28.

³³ *Ibid.*, 20.

³⁴ *Ibid.*, 26.

³⁵ *Ibid.*, 34-35.

³⁶ *Ibid.*, 30.

imperial polities, and their relationships with non-Muslim polities, Chapter One demonstrates that this is true at least in western Islamdom between the twelfth and nineteenth centuries.

This dissertation focuses on how modern Muslim thinkers and political actors in Morocco theorized the spatial imaginary of Islamic law and political theology after the rise of the postcolonial nation-state. Three broad approaches have defined scholarship on Islamic law in the nation-state. The first, which the scholar of comparative politics, Iza Hussin, names “formalist,” has usually been practiced by Islamicists.³⁷ This method focuses on the substance rather than the structure of the law. Finding little substantive difference between premodern *fiqh* (juro-moral norms) and modern Islamic law, as articulated by various Muslim nations’ personal status codes, these scholars ask about the compatibility of Islamic law with modern institutions of governance.³⁸ Hussin names a second perspective on Islamic law in postcolonial nations “legal realist.” This perspective, often practiced by political scientists, understands law to be a product of political struggle over the state. In this frame, when power is held by parties termed “Islamist” they will infuse the state with Islamic law. When the state is controlled by parties termed “secularist,” secular law will win the day. To the limited extent that this approach takes the substance of the law seriously, an image of the ebb and flow of Islamic law along the shoals of secularism portrays Islamic law as an ahistorical phenomenon. Additionally, this view has not held up to empirical evaluation in recent decades as self-described “secular” governments have also sought to advance “Islamic law.”³⁹

³⁷ Hussin, *The Politics of Islamic Law*, 25.

³⁸ See: Hallaq, *The Impossible State*; Sherman Jackson, “Jihad and the Modern World.” *Islamic Law & Culture* 7, no.1 (2002): 1-26.

³⁹ Hussin, *Politics*, 26. See: Kristen Stilt, “Islamic Law and the Making and Remaking of the Iraqi Legal System,” *George Washington International Law Review* 36 (2004): 695-756; Kisten Stilt,

A third approach, which Hussin's own work employs and modifies, goes further in historicizing Islamic law. This approach emphasizes the newness and historical uniqueness of Islamic law as articulated by colonial and postcolonial states.⁴⁰ This approach has its origins in an anthropological tradition first advocated by Talal Asad. Asad and a group of scholars, many of them his students, document the way that Islamic law was reformulated and reshaped by an engagement with colonialism. They argue that "Islamic" personal status law actually has its origins in the European colonization of Muslim-majority territories. Referring to Malaysian, Indian, and Egyptian contexts, Hussin writes, "Personal status law is not the *shari'a*, and never has been: its content owes as much to British principles of law and cultural values, if not more, as it does to Islam and local values."⁴¹ Hussin aptly notes the difference between premodern and modern law in Muslim societies by noting that premodern works of *fiqh* make no mention of personal status or family law; and the *fuqahā'* did not need to indicate that *shari'a* had an *Islamic* identity that coexisted with other legitimate domains of non-Islamic law. Thus, for Hussin, inherent in the formulation "Islamic law" is the transformative effect of colonialism.

This insight has led scholars like Hussin to a powerful answer of a vexing question: how is it that Islamic law is both central to and marginalized within colonial and postcolonial states? It is central for the way some states describe themselves as constitutionally Islamic and marginal because, in these same states, the legal practice of Islamic law is most often relegated to personal status or family law. To answer this question Hussin relies on rigorous reading of archival materials that document a series

"'Islam is the Solution': Constitutional Visions of the Egyptian Muslim Brotherhood," *Texas International Law Journal* 46 (2010): 73-108.

⁴⁰ See, for example: Agrama, *Questioning Secularism*; Talal Asad, *Formations of the Secular*; Ebrahim Moosa, "Colonialism and Islamic Law."

⁴¹ Hussin, *Politics of Islamic Law*, 25.

of negotiations between colonial authorities and local elites. She, like Asad, refers to an observation Foucault makes about modern state law, in general. For Foucault, modern law turned the family into the central mode of state regulation. In Asad's appropriation and transportation of Foucault's insight onto the Egyptian context, "The family is the unit of 'society' in which the individual is physically and morally reproduced, and has his or her primary experience as a 'private' being. The secular formula of privatizing 'religion' is adhered to by confining the *shari'a* to the family."⁴² For Asad, the introduction of a privatized sphere of the family that is, in fact, constantly regulated by the state, amounts to the secularization of *sharī'a*. This insight is striking for its explanation of the seeming-paradox that forms between the centrality and marginalization of Islamic law in modern states: family law, while a relatively small percentage of the total body of law of any given state, plays a vital biopolitical role in the regulation of that state. That role, for its continual drawing of the line between the public and the private and the religious and secular, is wholly alien to premodern *sharī'a*.

What the formalist, legal realist, and Asadian approaches to Islamic law in nation-states share is an emphasis on the way codification and centralization have affected the constitution and implementation of Islamic law. These axes are understood to be the defining features of modern states and thus to have had decisive influence on the shape of Islamic law. To review: formalists ask questions about compatibility of these aspects of modern governance (i.e. codification and centralization) and Islamic law, which is taken to be substantively unaltered. Legal realists, who put much less emphasis on the substance of the law, understand centralization and codification to be conditions for and products of political power

⁴² Quoted in: Hussain, *Politics*, 34.

struggles involving Islamist parties and law. Asadians underscore the ways that these features of the state become regulatory mechanisms that transform *sharī'a* into “Islamic law,” a privatized category of “religious law,” designed to constitute and reproduce the family.

This dissertation proposes that a shift in focus from codification and centralization to territoriality will bring a new series of insights. It argues that, in the case of twentieth century Morocco, Islamic legal and political theory helped produce and reshape conceptions of the *territorial* nation-state. Morocco’s first Constitution explicitly linked territoriality and principles of Islamic governance. In other words, the Constitution spatialized the influence of Islamic law. This insight would be unremarkable if it referred only to domestic jurisdictional matters. It is entirely within the frame of what I have been calling the Asadian approach to understand that Islamic law in the nation-state is jurisdictionally expansive, in the sense that is co-terminus with the state’s borders and, at the same time, jurisdictionally limited, in the sense that it only refers to a narrow category of law. It is both central and marginal. But the shift to territoriality in the Moroccan case unveils a deeper significance of matters of jurisdiction, one that moves discussions of Islamic law from domestic to international considerations and which, therefore, frames the question of Islamic law not in terms of the nation-state, in the singular, but in terms of the geopolitical system *writ large*.

Scholars working on Islamic law in the nation-state have often neglected the importance of territory. Max Weber’s elegant definition of the state as that which claims “the monopoly of legitimate physical violence,” often comes shorn of its concluding prepositional phrase: “...within a particular *territory*—and this idea of

‘territory’ is an essential defining feature.”⁴³ A range of social scientists, from scholars of international relations to sociologists and geographers have, in the last decade and a half, found significant conceptual purchase in returning to the importance of territory in the definition of the state. In the context of decolonization, scholars have shown that the United Nations directly linked sovereignty with territorial integrity.⁴⁴

The shift to territoriality, with reference to Morocco, calls our attention to three features of Islamic law that are less visible when the focus is on codification and centralization. First, an investigation of the entwining of Islamic legal and territorial discourses provides another answer to the seeming-paradox of how Islamic law can be both central and marginal to the modern nation-state. In the Moroccan case, the invocation of Islamic legal and political principles is tied to the protection of borders. Article 19 of Morocco’s 1962 Constitution reads:

The King is the Commander of the Faithful [*amīr al-mu’minīn*], a symbol of the unity of the nation [*ramz waḥda al-umma*], guarantor of the permanence and continuity of the state [*dawla*], protector of religion [*dīn*], vigilant in respecting the Constitution: He safeguards the rights and freedoms of citizens, groups, and organizations, and is the guarantor of the country’s independence and the territory [*ḥawza*] of the kingdom with its true borders [*hadūdiha ḥaqqa*].

The invocation of the Commander of the Faithful in Article 19 locates Islamic sovereignty at the borders of the nation-state and its law. As Wendy Brown argues, sovereignty has two sides, “Inside, sovereignty expresses power beyond accountability. Outside, sovereignty expresses the capacity for autonomous agency, including aggression or defense against other sovereign entities.”⁴⁵ Article 19

⁴³ Max Weber, *The Vocation Lectures*, ed. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett Publishing Company, 2003), 33. Emphasis mine.

⁴⁴ Stuart Elden, “Contingent Sovereignty, Territorial Integrity and the Sanctity of Borders.” *The SAIS Review of International Affairs* 26, no. 1 (2006), 12.

⁴⁵ Brown, *Wall States*, 52.

positions the Commander of the Faithful—which is expressed as a capacity of the King—as the pivot between the internal and external faces of sovereignty. Internally, the Commander of the Faithful is (paradoxically) both the guarantor and authorizer of the Constitution. Externally, he protects the nation from outside threats. In other words, the Commander of the Faithful defines the Moroccan territory itself. In as much as the Commander of the Faithful can be seen as an Islamic legal conception of rule, Islamic law is what ties the dual faces of sovereignty together. To continue with Brown, “The importance of sovereignty’s attributes of unity and indivisibility, then, is that they literally enable the autonomy that is its external sign.”⁴⁶ The Commander of the Faithful symbolizes the Islamic unity of the country and, for this reason, manifests the country’s Islam-ness when that unity is threatened by an outside force. This expounds another reason why Islamic law is both central and marginal in the nation-state: like the borders of a country, it is utterly essential to the constitution of that country and yet peripheral to most transactions that occur within the country. This constitutional linkage of territoriality and legal principles of Islamic governance might be read as incidental to Moroccan irredentism. Indeed, there is no reason to understand the events surrounding the 1975 occupation of the Western Sahara as a *consequence* of that constitutional formulation. But, I show that the expansion of the Moroccan territory did, in fact, proceed in a way that made Islamic legal and political discourse central. Moroccan irredentism was inseparable from these discourses.

A second benefit to be had from shifting focus to territoriality is that, as already mentioned, territory takes us to the realm of the geopolitical. Territory is relational. Understanding how different polities marshal different legal cases and military tactics to lay claim to a single territory puts the question of Islamic law into

⁴⁶ Ibid.

contestation. It brings two opposing stances of thought into direct conflict. Some have argued that “Islamic law” must be understood to have been deeply influenced by European legal systems to the extent that they were barely legible from the perspective of premodern *sharī‘a*, as we saw above. On the other hand, Morocco made its argument for the Western Sahara in terms marked as Islamic. The International Court of Justice in The Hague as well as many scholars have taken this claim to Muslim difference seriously.⁴⁷ Hussin writes that the history of Islamic law in the colonial period can be described as a broad trend towards the jurisdictional confinement of Islamic law to a department of law alongside others (including administrative, criminal, etc.) *within* a country.⁴⁸ Our turn to a territorial dispute—to matters of spatial rather than substantive jurisdiction—shows that Islamic law can have different meanings and implications at different scalar levels, in this case the national, regional, and international.

Third, shifting the focus from codification to territoriality nuances our understanding of the uniqueness of Islamic law in the modern period. The Moroccan mention of Islamic legal principles in relation to its territorial sovereignty relied on a reading and interpretation of a different aspect of premodern Islamic law than discussions of family law did. Where codification of family and personal status laws depended on readings of premodern Muslim norms concerning divorce, inheritance, and the like, discussions of territoriality called for interpretations of premodern norms governing the relationship between rulers, subjects, and law in premodern period.

⁴⁷ See, for example: James D. Fry and Melissa H. Loja, “The Roots of Historic Title: Non-Western Pre-Colonial Normative Systems and Legal Resolution of Territorial Disputes,” *Leiden Journal of International Law* 27 (2014): 727-754; Jacques Eric Roussellier, “Elusive Sovereignty—People, Land and Frontiers of the Desert: The Case of the Western Sahara and the International Court of Justice,” *Journal of North African Studies* 12, no. 1 (March 2007): 55-78; Jerome B. Weiner, “The Green March in Historical Perspective,” *Middle East Journal* 33, no. 1 (Winter 1979): 20-33.

⁴⁸ Hussin, *Politics of Islamic Law*, 8.

This is the domain that Hussin refers to as “the politics of Islamic law,” rather than substantive *fiqh*. Hussin writes:

My study seeks Islamic law not only in texts of *fiqh*, ‘Islamic’ legislation or the courts that applied it, but through changing spaces of tension and struggle over Islam, law, and Muslim life during the colonial encounter. These spaces were marked not only by the workings of Islamic law, but often by its absence—after all, it was often not the provision of Islamic law but its diminution that catalyzed debates about the proper place and scope of Islam in state and society.⁴⁹

In this dissertation, as well, the domain of Islamic law is not only substantive juror-moral norms, or *fiqh*. It is a wider series of negotiations about the locus of sovereignty and its relationship to Muslim scriptural authority. My analysis of premodern Muslim works shows that the politics of Islamic law should not be confined to the contemporary Muslim world or viewed only as a product of colonial encounter. As Hussin herself argues, there has long been a contest in Muslim societies between states and non-state legal authorities.⁵⁰ Negotiated relationships between sultans or caliphs, on the one hand, and *fuqahā’*, on the other, described different politics of Islamic law. Moments like the Buyid control of the ‘Abbasid empire in the tenth century and the rise of the Egyptian Mamluk Empire in the thirteenth century prompted new theoretical and practical attempts to define the jurisdiction of different authorities. This series of premodern jurisdictional negotiations provided Moroccan theorists with interpretive space to argue for the translation of Islamic theories of power over space into arguments for Moroccan territorial sovereignty. The contest between judicial and political authority has been one of the central questions of Islamic political theology.

⁴⁹ Ibid., 7.

⁵⁰ Ibid., 7-9.

The above points can be summarized by in the following way: (1) In the Moroccan case, Islamic law—via the Commander of the Faithful—functions as a constitutional guarantor of the state’s territorial sovereignty; (2) Territory calls our attention to the geopolitical and international-legal aspects of modern Islamic law; (3) Premodern Islamic legal theories of jurisdiction provided ample discursive room for Moroccan jurists to engage in a translational act through which imperial Muslim notions of the relationship between legal and political power, on the one hand, and space, on the other, could be mobilized to argue for the expansion of *national* territory. Together, these three insights mark a departure from a reading of Islamic law made possible by a focus on centralization and codification and towards an understanding based on constitutional law—meaning, the ways that societies constitute themselves—with specific reference to territoriality.

A focus on centralization and codification has led Asadian scholars to depict Islamic law as having been coopted and impoverished by nation-states. There is no doubt that the law underwent radical and corrosive transformations as it entered the domain of nation-states through the appropriative and disciplining techniques of colonialism. So corrosive were these changes that some scholars question the “Islamic” origins of “Islamic law.” Islamic law can thus only read as overcoded by Western secularism. But, looking at a territorial discourse in Morocco reveals a different possibility. Each of the three aspects outlined above contribute an important insight: In the case of the Moroccan claim on the Western Sahara, Islamic law can be read as a constitutive and productive part of geopolitical norms. In the colonial era, multiple discursive and non-discursive elements, including French and Spanish techniques of colonial governmentality, transnational Muslim anti-colonialism, and Moroccan interpretations of premodern Muslim legal authorities, combined to reshape

Islamic law. In the postcolonial era, the Moroccan state conscripted this law into the process of expanding its borders.

My work contributes to this debate by focusing on how Muslim jurists conceived of Islamic law and politics in relation to geographical space. I show that the making of a territorial nation-state necessitated a dramatic restructuring of power relations and a reinterpretation of geopolitical concepts central to Muslim political theology. At the same time, I push against the majority of work on Islamic law in the nation-state that holds that *sharīʿa* was altered beyond recognition when absorbed into nation-states. I argue that (post)colonial Moroccan jurists were faithful to classical Islamic law, which was not itself singular or stable, to the extent that they could be given the constraints of territorialization. At the same time, looking at territoriality serves the more prosaic and obvious function of allowing more thinkers to come under the gaze of the Islamicist and the religious studies scholar. International legal jurists, some with Muslim confessional commitments, some without, played dramatic roles in shaping Islamic law in the twentieth century. Yet, to my knowledge, they have not been considered by Islamicists or religionists. I think of the vice-president of the International Court of Justice at the time of the Western Sahara case, Fouad Ammoun, a Lebanese Christian who argued passionately for deepening the Court's understanding of Muslim jurisdictional theory, and Muhammad Bennuna, a chief solicitor for Morocco in *Western Sahara*, who has since become a justice on the International Court of Justice and who has penned articles concerning Islam and geopolitics. Considering thinkers like these deepens our understanding of modern Islamic law.

Law, Politics, and Religion in Morocco

In his recent work, *Ethnographic State: France and the Invention of Moroccan Islam*, historian Edmund Burke III examines the constitution of the “Moroccan archive,” a body of scholarship created by French researchers in the first decade and a half of the 20th century.⁵¹ Burke traces the roots of that intellectual project back to the Napoleonic mission in Egypt and the encyclopedic methods of Diderot through to the French colonial project in Algeria. He masterfully contextualizes the enormous effort exerted by French scholars, functionaries, and explorers to document “Moroccan Islam.” This scholarly effort was directly tied to what was known in Europe at the turn of the twentieth century as the “Morocco question,” meaning the question of how Morocco should be colonized and by whom.⁵² “Moroccan Islam” was an attempt to answer this question by displaying France’s unparalleled knowledge of Morocco, thus justifying its late colonial project in the country. Moroccan Islam, so Burke explains, was thought to be an anomalous collection of traits expressed only in the land hemmed in by Algeria, the Mediterranean, the Atlantic, and the Sahara. It described parochial rituals, including a form of saint veneration that the French dubbed “Maraboutism,” the notion of “*baraka*” or spiritual authority, and popular magical practices.⁵³

Burke ends his work by suggesting that Moroccan Islam became a tool of the postcolonial Moroccan state, a form of governmentality.⁵⁴ This term, coined by Michel Foucault designates, among other things, a set of tactics and forms of knowledge⁵⁵ that comprise a historical moment in which society is “...controlled by

⁵¹ Edmund Burke, *The Ethnographic State: France and the Invention of Moroccan Islam* (Berkeley: University of California Press, 2014).

⁵² Burke, *Ethnographic State*, 1-20.

⁵³ *Ibid.* 2-5.

⁵⁴ *Ibid.* 195-199

⁵⁵ Foucault. *Security, Territory, Population*, 108.

apparatuses of security.”⁵⁶ Governmentality is concerned with the preservation of the state, even if, for Foucault, the state is “a mythicized abstraction.”⁵⁷ So, for Burke, Moroccan Islam in the postcolonial period was but a form of power exercised over the populace. To this extent, he echoes and attempts to historicize Abdellah Hammoudi’s argument that the Moroccan monarch draws on a “paradigm” (Hammoudi also adapts the term from Foucault) of dominance and submission that comes out of a Moroccan Sufi context.⁵⁸ Against this description of Moroccan Islam as governmentality, Burke sets the normative claim that Islam is universal.

Morocco has long been an important site in the constitution of the various disciplines that consider the relationships between law, politics, and Islam. As will be considered in more detail in Chapter One, French orientalist inaugurated both textual and ethnographic analyses of these topics. A major inheritor of the French colonial orientalist and ethnologist was the British social theorist, Ernest Gellner. In his now classic work, *Saints of the Atlas*, Gellner seized on the term *baraka*, a major feature of “Moroccan Islam.” The term was taken to mean spiritual power and used to describe how a near-anarchical society, like Morocco, could hold itself together.⁵⁹ The American anthropologist Clifford Geertz, likewise leaned heavily on a notion of *baraka* in his *Islam Observed*, which compared Islam in Morocco and Indonesia. Geertz maintained colonial scholars’ concern with the urban/rural divide in Morocco and with the spiritual power of Morocco’s political leaders.⁶⁰ Another influential account, political scientist John Waterbury’s *Commander of the Faithful* applied some

⁵⁶ Ibid., 110.

⁵⁷ Ibid. 109.

⁵⁸ Abdellah Hammoudi. *Master and Disciple: The Cultural Foundations of Moroccan Authoritarianism* (Chicago: University of Chicago Press, 1997).

⁵⁹ Ernest Gellner, *Saints of the Atlas* (Chicago: Chicago University Press, 1969).

⁶⁰ Clifford Geertz, *Islam Observed: Religious Development in Morocco and Indonesia* (New Haven, CT: Yale University Press, 1968).

of these anthropological findings and models to state practices in Morocco. He argued that the kind of arbitrary, spiritual power that defined tribal relations in Morocco continued to shape the country's parliament, where the king presided over a complex patronage system.⁶¹ Anthropologists working in Geertz's wake, such as Lawrence Rosen and Dale Eickelman asked specifically about the constitution of Islamic law in Morocco.⁶² However, they too often passed over textual and material analyses in favor of the immaterial "spiritual" powers that they thought to animate Moroccan social and political life.

Recently, there has been a sharp uptick in the number of valuable works on Moroccan religion and religious elite in the first half of the 20th century. Stefania Pandolfo, Ellen Amster, Sahar Bazzaz, Ety Terem, and Jonathan Wyrzten show how new epistemologies altered Muslim knowledge and practices during the European protectorates in Morocco.⁶³ Malika Zeghal and Zakia Salime brilliantly demonstrate the relationships between diverse religio-political discourses in postcolonial Morocco. These works are investing in Moroccan texts, not just the French colonial archive or observed sociality, as valuable sources for understanding the dynamics between religion, politics, and law in Morocco. This charge has been led by Moroccan scholars.

⁶¹ John Waterbury, *The Commander of the Faithful: The Moroccan Political Elite - A Study in Segmented Politics* (New York, Columbia University Press, 1970).

⁶² Lawrence Rosen, *The Anthropology of Justice: Law as Culture in Islamic Society* (Princeton, NJ: Princeton University Press, 1989); Dale F. Eickelman, *Knowledge and Power in Morocco: The Education of a Twentieth-Century Notable* (Princeton, N.J.: Princeton University Press, 1985).

⁶³ Stefania Pandolfo, *Impasse of the Angels: Scenes from a Moroccan Space of Memory* (Chicago: University of Chicago Press, 1997); Ellen J. Amster, *Medicine and the Saints: Science, Islam, and the Colonial Encounter in Morocco, 1877-1956*, (Austin, TX: University of Texas Press, 2013); Sahar Bazzaz, *Forgotten Saints: History, Power, and Politics in the Making of Modern Morocco* (Cambridge, MA: Harvard University Press, 2010); Jonathan Wyrzten, *Making Morocco: Colonial Intervention and the Politics of Identity* (Ithaca, NY: Cornell University Press, 2015); Malika Zeghal, *Islamism in Morocco: Religion, Authoritarianism, and Electoral Politics* (Princeton, NY: Princeton University Press, 2008).

In contrast to the French colonial ideal of a Moroccan Islam, intellectual historian Muḥammad ‘Ābid al-Jābirī argued that the Maghrebi Muslim tradition—from law to philosophy—was defined by rationality. His work sought to reinject the Moroccan intellectual and political spheres with the spirit of Maghrebi rationalism.⁶⁴ Meanwhile, his opponent, Tāhā ‘Abd al-Raḥmān, argued that Islamic law was undergirded by affects and ethics that had been excised by secularism and nationalism. ‘Abd al-Raḥmān has made a claim for the resuscitation of these pre-political sensibilities in Moroccan social life.⁶⁵ In descriptive humanistic and social scientific fields, Moroccan scholars have largely outpaced scholars of other nationalities in accounting for the contemporary Moroccan political and legal scene. The political scientist Mohamed Tozy and the historian Jillali El Adnani have worked on the ways Muslim reformism and Islamism have shaped Moroccan politics.⁶⁶ The field of gender and feminist studies of law and society in Morocco has been especially robust. The foremother of this field, Fatema Mernissi, who is analyzed in some detail in Chapter Five, began the work of studying the systems of oppression to which Moroccan women were exposed. At the same time, she began the normative exegetical work of offering alternatives to patriarchal Islamic law. The linguist, Fatima Sadiqi, has analyzed how the legal and political strictures of Morocco manifest in the country’s diglossic contexts;⁶⁷ and the legal theorist, Aïcha El Hajjami, has done important work on the ways the Moroccan family code does and does not conform to traditional interpretations of the Māliki school of law, on which it

⁶⁴ See, for example: Muḥammad ‘Ābid al-Jābirī, *Naḥnu wa-al-turāth: qirā’āt mu’āṣirah fī turāthinā al-falsafī* (Beirut: Markaz Dirāsāt al-Waḥdah al-‘Arabīyah, 2006).

⁶⁵ See: Tāhā ‘Abd al-Raḥmān, *Tajdīd al-manhaj fī taqwīm al-turāth* (Casablanca: al-Markaz al-Thaqāfi al-‘Arabī, 2007).

⁶⁶ Muḥammad al-Tūzī, *al-Malakīyah wa-al-Islām al-siyāsī fī al-maghrīb* (Casablanca: Nashr al-Fanak, 2001).

⁶⁷ Fatima Sadiqi, *Moroccan Feminist Discourses* (New York: Palgrave Macmillan, 2014).

is supposedly based.⁶⁸

Studies of the Moroccan twentieth century often set colonial and postcolonial Islam off against a more or less explicit comparison to Islam in Morocco prior to the colonial period. Recent authors are in near universal agreement that the colonial period dramatically reshaped Islam in Morocco; but there is less agreement about how this took place. Burke contrasts Moroccan Islam with “universal” Islam that existed prior to colonization. On the other hand, Amster shows that prior to the development of king-centric sovereignty on the eve of colonization, Moroccan sovereignty was enacted as a highly localized but diffuse “body politic,” which had Sufis and saints as its connective tissue. While not necessarily opposed, there is a tension between Burke’s universalist vision and Amster’s location of Moroccan (religious) identity in the “geographic space” of Morocco. This dissertation intervenes into this debate by asking how Moroccan thinkers explicitly theorized the spatial aspect of Islamic politics in the country.

Chapter Breakdown and Methodology

This dissertation traces a genealogy of Moroccan Muslim thinkers who asked and answered questions about the relationship between the Muslim polity and the surface of the earth. It begins in the early twentieth century, on the eve of European colonialism in Morocco, and continues all the way until the start of the last decade of the twentieth century. It asks how Moroccan thinkers registered and shaped major events in Moroccan territoriality, from independence to irredentism. The relatively long chronology is intentional. It is important for the methodology of this work to register how territorial change impacted Muslim discourse and vice versa. This could

⁶⁸ See: Aicha el Hajjami, “La reforma de la condición jurídica de las mujeres en Marruecos y la cuestión de referencia,” *Ábaco* 43 (2005): 55-66.

only be accomplished over a longish period. Methodologically, I pay attention to how thinkers referenced and recontextualized premodern sources in order to theorize emergent territorial conditions. I focus on how territorial concepts generated by intellectuals mutated and were redeployed over this period. This is not, then, an institutional history, which tracks the ways that official Moroccan bureaucracies responded and reconfigured in relation to changing territorial conditions. It does pay attention to thinkers who were embedded in official bureaucracies; and it watches as their ideas bubbled up into official legal discourse, such as independent Morocco's first Constitution and the International Court of Justice case, *Western Sahara*. However, it moves through this chronology episodically. Guided by important historical junctures—colonization, decolonization, irredentism, and the Gulf War—it asks how Moroccan discourses reacted and responded to new territorial arrangements. It pauses frequently to explore the philosophical implications of ideas and to compare modern Muslim formulations of space and power with the older Islamic traditions they referenced.

The question of territorial sovereignty appeared with force in Morocco in the nineteenth century, as European powers began to make colonial inroads into the country. The existence of European agents in Morocco prompted Moroccan historians and jurists to ask such as: What is the importance of the Muslim ruler to the constitution of the Moroccan polity? What was the historical geography of Morocco? And, what are the ethics of associating with non-Muslims in political and economic relationships? Chapter One analyzes how two thinkers approached these questions. Through the work of Aḥmad ibn Khālid al-Nāṣir al-Salāwī (d. 1897), it shows how a Moroccan historian in the late nineteenth century understood the historicity and geography of Morocco over the *longue durée*. An examination of fatwas by the Fez-

based jurist, al-Mahdī al-Wazzānī (d. 1923), shows how Maghrebi legal thinkers understood (or did not understand) the Far Maghreb as a distinct locale in the Abode of Islam over the same period. This chapter also positions this Moroccan scholarship in relation to the ways that the French architects of the Moroccan archive sought to territorialize Morocco.

After Morocco's colonization, Muslim thinkers began to look for accommodations to or repudiations of the French colonial nomos. Chapter Two examines the way that a number of important colonial Moroccan thinkers reconceptualized the relationship between religion (*dīn*) and the world (*dunya*) as a way to account for their new status as a colonial territory. Some of them accommodated to the colonial situation while others argued that religion needed to regain its dominance over the world, so that Morocco might regain its independence.

Chapter Three zooms in on one of these colonial thinkers, the famous politician and Muslim scholar, 'Allāl al-Fāsī (d. 1974). As most of Morocco became independent from France and Spain in 1956, Fāsī began to argue that a great bulk of the country remained colonized. In the first couple of decades after independence, he theorized the concept of "Greater Morocco," which was to include the Western Sahara, Mauritania, and sections of Algeria, Mali, and Senegal. This chapter argues that Fāsī sought the "reunification" of these territories not merely as a way to enrich the nation by expanding it. Instead, Fāsī's "memory" of a vast Muslim realm was a way in which he wanted to make the Moroccan state Muslim. He thus focused on communal Muslim solidarity, rather than Muslim rule, as the basis of the state.

Fāsī's work on Greater Morocco set the stage for Morocco's attempt to prove its claim over the Western Sahara before the International Court of Justice in The Hague, the subject of Chapter Four. This case is examined by scaling through

analyses of the Western Sahara issue at the level of the Organization of Islamic Conference (OIC), the International Court of Justice (ICJ), and domestically, within Morocco. At each of these levels, Islamic law was given different meanings and employed in different ways. The debates and legal hearing over the Western Sahara serve as an illustration of how Moroccan contestations of law, politics, and territoriality played out internationally. The involvement of multiple countries and an intergovernmental court, with its own histories and allegiances, in a struggle over a single segment of land is an opportunity to view how various parties consented and dissented around religion, law, and politics. This case and Morocco's occupation of the Western Sahara reversed Fāsī's emphasis on irredentism as a way to recall a nation built on Muslim solidarity. Instead, it invested full authority in the figure of the king as Commander of the Faithful. It made the king's body one with the Moroccan territory.

Chapter Five centers on three thinkers who theorized and criticized the Moroccan irredentist project as it continued into the 1980s and 90s. In the context of the Gulf War, new questions emerged about sovereignty. The United States' bombing of Iraq as well as renewed attacks on Morocco's sovereignty in the Western Sahara caused Moroccans to consider the meaning of the "New World Order" for their nation. The Minister of Islamic Affairs, 'Abd al-Kabīr al-'Alawī al-Madaghrī (1942-2017),⁶⁹ gave new coherence to the idea that the king's body was coterminous with the Moroccan territory by deploying the once famous hadith, "the sultan is the Shadow of God on Earth." Madaghrī's critic, the religious scholar ('*alim*), 'Abd al-'Azīz ibn al-Ṣadīq sought to undo this linkage of the king's body with territory by attacking the king's association with divinity. By contrast, the Moroccan feminist,

⁶⁹ Madaghrī served as Minister of Islamic Affairs from 1984 to 2002.

Fatema Mernissi (1940 – 2015), questioned the gender of the king’s body. Mernissi had a keen ability to make explicit what remained unstated by most of the thinkers analyzed in this dissertation. She noted the spatiality of Muslim political thought; and she both brought up and challenged the sovereign’s bodily relationship with territory. She understood and resisted a danger of thinking spatially. According to the French Marxian theorist of space, Henri Lefebvre, “The whole of (social) space proceeds from the body, even though it so metamorphoses the body that it may forget it altogether—even though it may separate itself so radically from the body as to kill it.”⁷⁰ Mernissi understood how space was configured in relation to the body. Her effort was to confront Islamic territory within its gendered coordinates.

Conclusion

Studies of modern Islamic thought have not done enough to appreciate the role of Islamic legal and theological discourses in the formation and maintenance of postcolonial nation-states. Some studies have noted that Islamic law and ethics, or *sharī‘a*, was dramatically altered when it was incorporated into the legal framework of the nation-state. Some legal anthropologists have noted a relatively unproblematic, albeit complex, incorporation of Islamic law into the nation-state.⁷¹ Numerous works consider the way in which different substantive aspects of Islamic law, for example, laws of blasphemy and apostasy as well as family law, function in the nation-state.⁷² But none of these studies have adequately accounted for the distinctiveness of the nation-state. Territory, we have seen, is one of the key traits of the modern nation-

⁷⁰ Lefebvre, *The Production of Space*, 405.

⁷¹ See, for example: John Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (Cambridge: Cambridge University Press, 2003); Michael Peletz, *Islamic Modern: Religious Courts and Cultural Politics in Malaysia* (Princeton: Princeton University Press, 2002).

⁷² For some examples that deal with Morocco, see: Mounira Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley: University of California Press, 2001); Dawoud Sudqi El Alami, *The Marriage Contract in Islamic Law in the Shari‘ah and Personal Status Laws of Egypt and Morocco* (Boston: Graham & Trotman, 1992); Ziba Mir-Hosseini, *Marriage on Trial: Islamic Family Law in Iran and Morocco* (New York: I.B. Tauris, 2000).

state. In principle, it guarantees “exclusive control within geographically determined areas,”⁷³ which are conditioned by technologies of calculation and surveillance.

Investigating how Muslim political thinkers used the languages of Islam to understand and create territory helps to elucidate the distinctive traits of postcolonial Islam. It shows how Islamic law and political thought was theorized in relation to a bounded nation-state. This complicates the claim that Islam is a universal religion, without particular, grounded instantiations, by asking how *tropes* of Islamic universalism are made to characterize particular pieces of ground.

⁷³ Elden, *The Birth of Territory*, 314.

Chapter One

Introduction

At the end of the nineteenth century, the Moroccan state functionary, historian, and political theorist Aḥmad ibn Khālīd al-Nāṣir al-Salāwī (d. 1897) published a history of Morocco, *An Inquiry into the History of the Countries of the Far Maghreb* [*Kitāb al-istiḳṣā li-akhbār duwal al-Maghrib al-aqṣā*]. It was primarily a synthesis of earlier generations' chronicles, including that of the great historian and social theorist Ibn Khalūn (d. 1406). But Salāwī's text was also likely the first history by a Maghrebi scholar to draw on European sources, including a Portuguese chronicle of the Moroccan city of al-Jadīdā and a Spanish history of Morocco. It was published in Egypt, further adding to its import as a transnational text.¹ Not long after its publication, European orientalist and colonial officers seized on Salāwī's history. The book may not have broken new ground in its use of documentary sources; but it appealed to European parties because of its clear narrative and its acuity with respect to the events which Salāwī had lived through and, in some cases, witnessed. In 1906, a French translation of the last quarter of Salāwī's history—the section on the contemporary ruling dynasty in Morocco, the 'Alawīs—was published in *Archives marocaines* (1904—1934), a publication dedicated to arguing for the French colonization of Morocco. In the run-up to Morocco's 1912 colonization, this section was presented as a guidebook for operating the Moroccan state. The text, thus, represented a translational event, a merger of European and Moroccan historiographies, both conditioned by imperialism.

¹ E. Lévi-Provençal, "al-Nāṣir Salāwī", *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Consulted online on 08 April 2017.

This chapter gives the reader a sense of the situation of political and legal geography and their relationship with “religion” in precolonial Morocco. It does so by reading the works of two figures from the far Maghreb who lived on the cusp of the twentieth century. The first is the historian, Salāwī. The next is al-Mahdī al-Wazzānī (d. 1923), a jurist from the venerable Moroccan city of learning and politics, Fez. These thinkers offer remarkable windows onto conceptions of sovereignty and political theology at the close of the nineteenth century. Salāwī allows us to see how the outward facing side of sovereignty was conceived in what he called the Far Maghreb, a region roughly equivalent to present-day Morocco. He engaged the disciplines of history and political theory to give an account of this region. This involved a process of historiographical layering, in which Salāwī stacked histories from different periods atop one another to project a chronotope of the Far Maghreb.² Salāwī’s text also allows us to see the contractions and expansions of the Moroccan dynastic empires over the centuries. This information will be useful as we move into twentieth century Moroccan irredentism because it will give the reader a sense of why postcolonial Moroccans felt emboldened to claim territories outside of freshly independent Morocco.

² Chronotope is a term which entered literary theory through the work of the Russian philosopher, Mikhail Bakhtin. The Bakhtinian Michael Holquist defines it thusly: Literally, ‘time-space’. A unit of analysis for studying texts according to the ratio and nature of the temporal and spatial categories represented. The distinctiveness of this concept as opposed to most other uses of time and space in literary analysis lies in the fact that neither category is privileged; they are utterly interdependent. The chronotope is an optic for reading texts as x-rays of the forces at work in the culture system from which they spring. The term is useful here because it shows how space and time interdepend differently in each of the histories that Salāwī employed and how he coordinated them into a coherent configuration. (Michael Holquist, 2008. “Glossary,” in *The Dialogic Imagination*, ed. Michael Holquist, trans. Caryl Emerson and Michael Holquist (Austin, TX: University of Texas Press, 1981): 425–6.

A reading of the jurist Wazzānī's fatwas gives a different sort of picture of Morocco over the *longue durée*. Wazzānī was committed to the Māliki school of Islamic jurisprudence. His fatwas therefore relied on a long lineage of North African and Andalusian jurists to understand the condition of internal sovereignty in precolonial Morocco. Just as Salāwī layered histories from different periods to understand the expansion and contraction of external sovereignty, Wazzānī layered fatwas to project an image of coherent law and space in Morocco. Both Salāwī and Wazzānī collapsed their earlier references to project a coherent picture of Morocco. Salāwī worked to create a coherent external view, showing Morocco to be a continuous political unity; and Wazzānī did so from the inside, projecting an image of Morocco as a coherent legal and jurisdictional space. This chapter delaminates the different historical layers of projections to show how Wazzānī and Salāwī made adjustments to earlier historical and juridical accounts of the Maghreb. In so doing, Wazzānī and Salāwī made Morocco legible to emergent notions of territoriality.

This chapter focuses primarily on the intellectual production of Moroccans. However, it assesses that the categories of territory and religion were (and are) produced dialogically between groups of people. For that reason, this chapter includes an analysis of the French precolonial project to conceptualize and conceive of religion and territory in Morocco. In this period, both the French and the Moroccans were busy archiving Morocco. Looking back on his work in preparing to colonize Morocco, the French orientalist and administrator, Édouard Michaux-Bellaire (d. 1930), wrote of the publication *Archives marocaines*:

The aim in creating *Archives marocaines* was to compile the catalog of Morocco so to speak, its tribes, its cities, its brotherhoods, and to discover the origins, the ramifications, the rivalries and the alliances; to follow them throughout the history of the different dynasties, to study the institutions and the customs, to explore, in a word, in the measure of the possible the terrain on which we might one day be called to operate, to allow us to act in full

knowledge and to devise a native policy, without too many errors, without weaknesses and also without useless violence and to create an administration supple enough to apply to the characters of the different tribes without ceasing to be coherent.³

The aim was to provide a full account of Morocco. It was to “measure terrain” and to understand history. It was to account for difference but to generate coherency. This coherent “native policy” was called “Moroccan Islam;” and, as Edmund Burke shows, it was used to govern Morocco. Remarkably, Wazzānī and Salāwī were engaged in similar archival projects at the same time but to very different ends. Their effort was to show how Moroccan history and law described a political unity to the extent that it made little sense to colonize the country. However, Wazzānī, who wrote later than Salāwī, differed slightly from his older contemporary. Perhaps because he could see colonization on the horizon, Wazzānī created an escape hatch. He argued that, even if the Muslim leader was deposed, Islam could still thrive. As we will see, this was a dramatic reversal from the earlier legal authorities on whom Salāwī relied. His goal, in other words, was to deterritorialize Islam at the exact moment that the French attempted to territorialize it to Morocco.

History, Sovereignty, and the Idea of Morocco

The Far Maghreb Bordered

The relationship between territory and religion was central to the French colonial project in Morocco. In the decades prior to the 1912 establishment of the Protectorate, French officials sought ways to territorialize the Moroccan state. This occurred along two axes: first, by defining Morocco’s borders and second, by attempting to homogenize the space within those borders into a territory. The latter

³ Quoted in Burke, *Ethnographic State*, 61.

effort—which would prove to be more involved—was the aspiration to create continuous political space with an even distribution of power, radiating outward from an agreed upon central state. In other words, the French sought to create a norm of territorial sovereignty in the region.⁴ This project relied on the scholarly work of a handful of French political figures, some of whom had formal academic training.⁵ Alfred Le Chatelier (d. 1929), Édouard Michaux-Bellaire (d. 1930), and Edmond Douffé (d. 1926) took up what was initially a controversial idea in France: Morocco would be a blue-chip stock in France’s colonial portfolio. To prove this case, they built voluminous archives of knowledge about Morocco.

Morocco represented a late stage in European colonial projects and a point of competition for the powers, including France and Germany and, to a lesser degree, Spain. French advocates for colonization of Morocco sought to justify their right to rule through two primary means. Some argued that Morocco’s geographical and cultural continuity with French Algeria meant that French control of the country made geopolitical sense. These thinkers believed that France could help restore this North African political, cultural, and religious continuity. A second group of French scholar-officials argued that, among the European powers, France was best suited to govern Morocco into the modern age. They held that France’s store of colonial knowledge and, particularly, knowledge of Muslim-majority contexts would be key to their success in governing the country.

⁴ It should be noted that this stated goal was at cross-purposes with the very idea of colonization. Morocco could not be both sovereign and under the protection of France. This contradiction was endemic to colonialism but it also describes territorial sovereignty in general. As Lauren Benton argues, the concept is normatively and definitionally understood to mean, “the ambition to control what and who crosses borders as well as the power to make laws to regulate what happens within them” (Benton, *A Search for Sovereignty*, 279); but this ambition/norm is never lived up to in practice.

⁵ As has been well documented by Edmund Burke. In addition to Burke’s *Ethnographic State*, See: Edmund Burke, “The Creation of the Moroccan Colonial Archive, 1880-1930,” *History and Anthropology* 18, no. 1 (March 2007): 1-9.

At the start of the twentieth century, important players from France's older colonial ventures began to set up institutions and journals to collect knowledge about Morocco and to push for France's occupation of the country. As Burke shows in *The Ethnographic State*, this early knowledge project was the foundation for what French scholars increasingly referred to as "*Islam marocain*." Moroccan Islam was thought to be idiosyncratically focused on Sufis, saints, and prophetic lineages. The distinctive features of this nationally-defined iteration of Islam worked against the argument set forth by the French advocates for the first justification for colonization of Morocco: If Moroccan culture and religion was distinctive, then there was little reason to "reunite" it with Algeria, as proponents of this theory had wanted. Yet, what were the borders of Morocco, or the Far Maghreb, prior to the twentieth century? To answer this, it is useful to turn to the Moroccan historian, Salāwī.

There was not complete overlap in how Salāwī was understood north and south of the Mediterranean. In the introduction to the French translation of Salāwī's *An Inquiry into the History of the Countries of the Far Maghreb in Archives marocaines*, Henri Gaillard (b. 1869), an orientalist and diplomat who would become Secretary General of the Moroccan Protectorate, wrote:

[Salāwī's] work, which makes it possible to follow the policy of the most recent sultans vis-à-vis the tribes of their empire and vis-à-vis the European powers, becomes the most interesting of historical monuments, indispensable for one who wants to understand this rudimentary government, called the *Makhzen*, and to penetrate its politics, so simple in their goal and so complicated in their means.⁶

Gaillard was unabashed in stating the colonial ends to which the chronicle should be put. He viewed it as an operator's manual for Moroccan politics and the Moroccan state, referred to as the *Makhzen*. His use of the verb "penetrate" (*pénétrer*) had both

⁶ Henri Gaillard, "Eugène Fumey," *Archives marocaines: publication de la mission scientifique du Maroc* 9 (1906): ix-xv.

epistemological and militaristic resonances. As has been repeated constantly across postcolonial studies of colonialism, (pre-)colonial administrators understood there to be a close bond between knowledge and power.⁷ Central to this instrumental reading of Salāwī's text was the question of how the Moroccan state had responded to internal tribes and to European governments. These were questions in which would-be colonizers were deeply interested. Because of its influential and intersectional status, Salāwī's text is a useful place to begin an exploration of Moroccan history and historiography. Salāwī's purpose ran exactly counter to the use to which Gaillard and others tried to put it.

Salāwī began his chronicle with a panegyric to the discipline of history. He wrote that God entrusted historical writing to the People of the Book.⁸ In other words, he understood history itself to be a poly-religious practice, which united the Abrahamic religions, even as they differed in their historical understandings.⁹ To do history, according to Salāwī, was to be inspired by the scriptural penchant for telling stories and recounting their morals.¹⁰ The fact that he saw history as a shared religious practice was all the more acute given the transnational nature of his book. As if to underscore that history was continuous with scripture, Salāwī began his chronicle in earnest with the life of the Prophet Muḥammad and his first four successors. In so doing, his aim was to position the Maghreb within the continuous growth of Islam.

⁷ See, for example: Timothy Mitchell, *Colonising Egypt* (Cambridge, UK: Cambridge University Press, 1988).

⁸ Aḥmad ibn Khālid Salāwī, *Kitāb al-istiḡṣā li-akhbār duwal al-Maghrib al-aqṣā*, 9 Vols. (Casablanca: Dār al-Kuttāb, 1954-1956), 1:59.

⁹ The scholar of Islam, Kambiz GhaneaBassiri, coined the term poly-religious as a way to describe how enslaved African Muslims sought a common religious ground with European Christians while also, "holding them accountable to God" Poly-religiosity is a near-opposite of syncretism, which theorizes the merger of religions in the creation of a new form. Instead, poly-religion posits that texts, objects, ideas and bodies are shared or similar across religions while maintaining differences in how those religions interact with and interpret them. Kambiz GhaneaBassiri, *A History of Islam in America: From the New World to the New World Order* (New York: Cambridge University Press, 2010, 89).

¹⁰ Salāwī, *Kitāb al-istiḡṣā*, 1:59.

Following a very common premodern geographical taxonomy, Salāwī designated three “kingdoms” within the Maghreb: *Ifrīqiya*, or, “the Closest Maghreb” (i.e. present day Libya), The Middle Maghreb (i.e. Tunisia and Algeria), and the Far Maghreb (i.e. Morocco), so named because of its maximum distance from, “the abode of the caliph in the heart of Islam.”¹¹ He stated that the point of the book was to narrate the history of the Far Maghreb; but he argued that the early part of this history had to encompass the Maghreb, as a whole, because Muslim power throughout the region radiated from the Eastern Caliphate.¹² For that reason, his central unit of analysis and periodization was *wilāya*. A polyvalent concept meaning everything from sovereignty to legal guardianship and spiritual authority, Salāwī used it to designate the rule of individual governors over specific regions, in discrete periods. The point was to show how early rulers in the Maghreb took directives from a central caliphate. While presented as a historiographical matter, the observation also had a normative element. Salāwī’s effort was to show the Maghreb as part of a spiritual and historical continuity, radiating from what he described as the “heart of Islam.”

Muslims reached the Atlantic coast in the seventh century under the Umayyad Caliphate, based in Damascus. Interestingly, Salāwī narrated the story of this conquest by asking a question about the status of Berbers after the coming of Islam.¹³ In between his descriptions of the Arab conquest of The Nearest and the Furthest Maghrebs, he offered a sociological-historical analysis of the Berbers, relying on the science of genealogy [*ilm al-nasab*]. Salāwī detailed several theories of who the Berbers were and how they came to be located in North Africa. He lent his support to a theory that held them to be descendants of Hām, a son of the prophet Noah (Nūḥ).

¹¹ Ibid., 1:127.

¹² Ibid., 1:128.

¹³ Ibid., 1:137-140.

He further stipulated that they lived in the region for a very long time, that they had great kingdoms, that they were strong in their commitment to Islam, and brave in jihad.¹⁴ He reviewed the question of whether the Maghreb was conquered by violence or peace and presented evidence that held that the Berbers had submitted to Islam of their own accord.¹⁵ In short, he situated the Berbers within the interwoven narratives of scriptural and institutional authority that served as a basis for Muslim sovereignty in North Africa.

Though Salāwī did not narrate it as such, Umayyad control in the Maghreb was loose and intermittent. In the eighth century, indigenous resentment over discriminatory taxation policies led to the Khajarite revolts against Umayyad rule. The ninth century saw the flourishing of the first Muslim states in the region. In the southeastern area, Sufriid Kharijite dynasties controlled a succession of states—first the Midrārid (c. 757-976-7) and then the Maghrawa—with their capitals in the great trans-Saharan trading city of Sijilmāsā. The Atlantic coast saw the establishment of another small political conglomerate, the Barghawata confederation. In the north central region, Idrīss ibn ‘Abd Allah, a descendent of the Prophet Muḥammad’s relatives, Fātimā and Alī, forged relationships with local tribes. This laid the groundwork for his, son Idrīss II, to found the Idrisid dynasty with its capital in the city of Fez. In introducing this dynasty, Salāwī recounted a theory of the imamate that emphasized both the role of the ‘*ulamā*’ as those who “bind and loosen” (meaning the ones who legitimate or de-legitimate the leader) and the importance of the leader’s *bona fides* as a member of the Quraysh, the tribe of the Prophet Muḥammad. Salāwī approached the theory of the caliphate diachronically by again recounting the history

¹⁴ Ibid., 1:120.

¹⁵ Ibid., 1:146.

of the Muḥammad's first successors and, in the process, repudiating the Shi'a theory of rule. His point was to position the Far Maghreb, in general, and Idrīs I, in particular, as the inheritor of this historiography-as-political theory, while avoiding the implication that Idrīs was a missionary for the 'Alid cause.¹⁶ In recounting how various tribes pledged allegiance to Idrīs, Salāwī neglected the likely importance of his marriage to Kanza, a woman of Nafza Berber tribe and the mother of Idrīs II.¹⁷ The latter established Fez, which quickly became an important center of Muslim learning and commerce. At its height, the Idrisid state extended north into the Rīf Mountains, east to Tlemcen, just over the present-day Algeria border, and south into the High Atlas. Moroccan nationalist history most often traces its roots to this dynasty.

Consolidation and dominance occurred in the eleventh century with the rise of the Almoravid state (1041-1147). The Almoravids began as a confederation of Sanhaja tribes from the southern desert regions. Brought together by Ibn Yasin (d. 1059), a tribal leader who preached an austere piety, the tribes quickly unified. The Almoravids founded Marrakesh around 1070. Their second leader, Ibn Tāshfīn (d. 1106), overtook the Barghawata confederation and extended Almoravid power northward. In Andalusia, Muslim kings were under threat from Christian armies. They called for Ibn Tāshfīn's aid. Rather than assisting the petitioners and returning to the Maghreb, Ibn Tāshfīn captured much of Andalusia, extending the Almoravid Empire well into the Iberian Peninsula.

¹⁶ Salāwī, *Kitāb al-istiḳṣā*, 1:203-8. On the theory that Idrīs was an 'Alid missionary see: Amira K. Bennison, "Relations between Rulers and Ruled in the Medieval Maghrib: The 'Social Contract' in the Almoravid and Almohad Centuries, 1050-1250," *Comparative Islamic Studies* 10, no. 2 (2014): 4n3.

¹⁷ Bennison, "Relations between Rulers and Ruled," 140.

Almoravid dominance was not to last forever. In the twelfth century, Ibn Tūmart (d.1130), another figure with strong theo-political views, united Atlas tribes and overtook the Almoravids, founding the Almohads, who would reign until 1248. In their century of rule, the Almohads would extend the Moroccan empire further to the east, to include Tunisia. But their rule would also come to an end, this time to be replaced by the Marinids (1248-1554), a tribal confederation from the southeast region. Ruling from Fez, the Marinids did not attempt to control the Iberian Peninsula. Instead, they exerted control over lands stretching east, well into modern-day Tunisia. Marinid legitimacy would come into question as the Portuguese made incursions into Morocco's Atlantic coast, setting up forts and trading posts there. The Marinid collapse led to the establishment of the Wattasid state in 1472, which was centered in Fez. The ensuing dynasties would reign primarily over the land roughly equivalent to modern Morocco, sometimes extending much further to the south but never again onto the Iberian Peninsula. Under the Saadians in the sixteenth and seventeenth centuries, this terrain stretched as far south as Timbuktu. In the 1640s, another group claiming descent from Alī came into power, the 'Alawis. This dynasty has retained power down to this day.

Salāwī described the 'Alawis as being of especially noble descent, which, in his view, contributed to their success as leaders.¹⁸ The consolidation of power represented by the 'Alawis was, indeed, remarkable. Mawlāy Rashīd (r. 1666-1672) founded the state. His brother, Mawlāy Ismā'īl (r. 1672-1727), amassed a significant army by importing slaves from south of the Saharan and by undertaking the highly controversial task of enslaving free black Muslims, the *Ḥarāṭīn*. Salāwī narrated how Mawlāy Ismā'īl clashed with Ottoman forces on the eastern frontier, and forced them

¹⁸ Salāwī, *Kitāb al-istiḡṣā*, 7:3-4.

to recognize the border (*ḥadd*) established under Saadian rule. Even as the ‘Alawis represented a clear symbolic authority over an expanding and contracting region spreading out from present-day Morocco’s heartland, the nature of that rule, its degree of directness, and the reach of its tax-collecting function shifted over time and depended on the specific qualities of the client region in question. This last point would be of vital importance for Morocco’s irredentist projects in the twentieth century.

Salāwī’s history of Muslim Morocco set the template for nationalist historiography. Most notable is the fact that present-day Morocco is situated at the center of its historical geography.¹⁹ This nationalist history is useful in as much as it would become vital to not just Moroccan independence and irredentist claims, as we have noted, but also to broader twentieth century legal understandings of how nation-states are configured with respect to history. What Salāwī’s history demonstrates is the centrality of three important themes. First, the narrative of succession and overthrow is central to understandings of Moroccan history. This history was thematized by the great political geographer and social theorist, Ibn Khaldūn, when he wrote of history’s cycles.²⁰ Second, historians made appeals to Muslim thought about sovereignty to give these dynasties legitimacy. These appeals were of two types. Dynasties like the Almoravids and the Almohads made appeals to ethical and legal rectitude. Theirs were revivalist movements that demanded exacting standards of

¹⁹ Gómez-Rivas argues that both Arab and Western historians sidelined the Far Maghreb, which is roughly equivalent to modern Morocco, in favor of the Islamic east and Andalusia. Camilo Gomez-Rivas, *Law and the Islamization of Morocco Under the Almoravids: The Fatwās of Ibn Rushd al-Jadd to the far Maghrib* (Leiden: Brill, 2015), 1-3. There is merit to his claim; and more recent scholars have pushed back against this historiography in part by showing the interconnectedness of the Far Maghreb and Andalusia. See, for example: Pierre Guichard, *Al-Andalus: estructura antropológica de una sociedad islámica en Occidente* (Barcelona: Barral Editores, 1976). Be that as it may, we still ought to question nationalist-teleology of histories that focus exclusively on Morocco.

²⁰ See: ‘Abd al-Raḥmān ibn Khaldūn, *al-Muqaddima Ibn Khaldūn*. 2 vols., ed. ‘Abd Allah Muḥammad al-Darwīsh (Damascus: Dār Ya‘rib, n.d.).

observance and practice. Dynasties like the Saadians and the ‘Alawis, by contrast, emphasized descent from the house of the Prophet Muḥammad. Finally, the early modern portion of this history inaugurated an ongoing concern with foreign, Christian power in the Moroccan mainland. European success on the northwest corner of the African continent prompted regime change and a significant amount of Islamic legal concern and writing. Having heard how Salāwī understood the shifting geography of the Far Maghreb, we now turn to an assessment of precolonial governance within that geography.

Borders Within: Administrating the Far Maghreb

Alfred Le Chatelier, a French Arabist who had spent years working in the administrations of Algeria and French Congo, was a leading proponent of the idea that the project to understand Moroccan Islam should be directly tied to France’s colonial project in the country. Le Chatelier used his influence as a colonial administrator to create an endowed chair of Islamic studies at the Collège de France, which he occupied in 1902. A year later, he created the *Mission scientifique du Maroc*, a board of scholars, orientalist, and colonial-minded policy makers. The *Mission* was funded by the French Parliament, with the mandate to create a body of scientific knowledge on which France’s colonial decision-making could be based. It published its findings in the journals, *Archives marocaines* and *Revue du monde musulman* (1906—1926). Soon, the *Mission* began to espouse a new historiography of Morocco, one which Moroccan history as a series of struggles between a centralized authority (*bilād al-makhzen*) and regions that were beyond state power (the *bilād al-sība*). Through these categories, the French began to unfurl a theory of the Moroccan territory and how to unite it. Islam was to be central to this plan.

Le Chatelier and others viewed *bilād al-makhzen* (lit: region of the storehouse,

the latter being a Moroccan Arabic locution for state) and *bilād al-sība* (region of revolt) as opposed territorial categories. These two kinds of territory did not have precise boundaries; but they were, in theory, mutually-exclusive. The goal of the colonial project became one of bringing the *bilād al-sība* into the fold of the *makhzen*. As was the case in numerous other colonial contexts, Islam was to play a key role in this process of centralization. Not unlike the situation the scholar of Islam Noah Salomon describes in the otherwise very different British colony in Sudan, the goal of French colonizers was not to rid the public sphere of religion. Instead, it was to promote and control religion.²¹ They came to see Moroccan Islam not simply as a governing strategy but also as a lost emblem of solidarity, worthy of promotion in its own right. A decade before colonization, Edmond Doutté, a self-taught sociologist who had spent many years working in Algeria, gave scientific coherence to the notion that Morocco should be understood through the lens of Islam. He wrote, “France’s politics in the Sharifian Empire should be a Moroccan politics or, even better, a Muslim politics, because, for [the Moroccans] the idea of nation has an especially religious quality.”²² Seemingly relying on an understanding of the Arabic word for the community of Muslims, “*umma*,” Doutté argued that Moroccans would best be able to understand the concept of the nation-state by reference to religious solidarity. This argument directed the research that filled France’s archives of Moroccan Islam. The *bilād al-sība/bilād al-makhzen* distinction continued to define scholarship on governance in Morocco for a very long time.

Writing a little more than a decade after the decolonization of Morocco, the anthropologist and political philosopher, Ernest Gellner, claimed that the French were

²¹ Noah Salomon, *For Love of the Prophet: An Ethnography of Sudan's Islamic State* (Princeton, NJ: Princeton University Press, 2016), chapter 1.

²² Edmond Doutté, “La Réforme Franco-Musulmane du Maroc,” *Bulletin du comité l’Afrique Française* 13, no. 2 (November 1903): 358.

the first to be successful in uniting the Moroccan territory into a coherent national unit, a feat that he lauded. “The history of Morocco until the nineteen-thirties is written largely in terms of the relations between the land of *makhzen*, the pale, and the land of *siba*, beyond the pale.”²³ For Gellner, this meant not that the “tribes of *siba*-land,” existed “prior to government.” Rather, they acknowledged a relationship with the state, which was sometimes antagonistic, but which was built on a shared cultural and religious foundation. For Gellner, Islam was a key ingredient that tied the *siba* to the *makhzen*, despite their differences.²⁴ At other points, though, Gellner utilized a political-theoretical model that suggested that the tribes did exist “prior to government.” He wrote, “The curious consequence of the existence of such an internal frontier is that the inhabitants of the state of nature, of *siba*, were faced with a rather Hobbesian choice between accepting or rejecting the Social Contract: they could submit to the inconveniences of power and escape the inconvenience of anarchy, or vice versa.”²⁵ Despite this inconsistency in his theory, Gellner upbraided those Moroccan nationalist scholars who objected to French scholarship and colonial governance that theorized and instrumentalized ethnic, religious, and regional variation.²⁶ For Gellner, the *bilād al-makhzen/bilād al-siba* distinction described a sociological reality, one which was successfully overcome by the French protectorate.²⁷

Recent work has complicated the situation described by Gellner. Wyrzten has usefully analyzed Tamazight oral literature from the early colonial period. Recorded by a French colonial officer, this archive shows complex tribal awareness of the

²³ Gellner, *Saints of the Atlas*, 2.

²⁴ *Ibid.*

²⁵ *Ibid.*, 5.

²⁶ *Ibid.*, 23-5.

²⁷ *Ibid.*, 23.

growing power of the Europeans, disappointment in but solidarity with the *makhzen*, and inter-tribal alliances.²⁸ What Wyrzten's analysis demonstrates is how the very presence of the French shaped tribal relationships with the state. This undoubtedly colored French understandings of the *makhzen/sība* distinction in ways that went unacknowledged by both French colonial scholars and by Gellner. The precolonial situation was likewise complex, not least because European involvement was already an important element in shaping relationships between the state and the hinterland.

The concept of *sība* was dramatically inflated by the French colonial scholars. In fact, the word was a Maghrebi vernacularization of the Arabic, *sā'iba*, which literally referred to unrestrained livestock and which was applied to manumitted slaves, prostitutes, rebels, and uncontrolled women. While Gellner claimed that tribes used the term to describe themselves,²⁹ no such self-attribution seems to be evident in the precolonial literature. Rather, jurists from the eleventh century onwards used the term to stigmatize groups and regions. The scholar of Islam, D. Rivet, dates the first usage of the phrase, "*bilād sā'iba*," to a commentary on the seminal work of Mālikī jurisprudence, *al-Mudawwana*, by Abū 'Imrān al-Fāsī (d. 1039),³⁰ a scholar who, incidentally, played an indirect role in developing the intellectual foundation of the Almoravid state.³¹ The term had a performative value. It was meant to conjure an image of regions and people who resisted law and political order. Rather than

²⁸ Wyrzten, *Making Morocco*, 97-107.

²⁹ Gellner, *Saints of the Atlas*, 23.

³⁰ D. Rivet, "Sība", in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Consulted online on 19 April 2017 http://dx.doi.org.proxy.lib.duke.edu/10.1163/1573-3912_islam_SIM_8899.

³¹ Ch. Pellat, "Abū 'Imrān al-Fāsī", in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Consulted online on 19 April 2017 http://dx.doi.org.proxy.lib.duke.edu/10.1163/1573-3912_islam_SIM_8256.

referring to a region “beyond the pale,” it was the pale, a discursive barrier outside of which lawlessness reigned.³²

There is some element of truth to the situation described by Gellner and others. Precolonial Morocco did not express a uniform political space that lent itself to what Benedict Anderson has called, “logoization,” wherein a territory could appear as a uniformly colored map.³³ The process of making maps-as-logos was part and parcel of the inter-European colonial competition, wherein different powers stacked and collected country outlines on the globe. Yet, this does not mean that Maghrebi rulers were unconcerned with internal variation or unable to administer large swaths of their realms. While it is difficult and unwise to summarize the great diversity of ways that Maghrebi rulers governed across internally variegated political spaces, a broad characterization can be made.

Precolonial Maghrebi states expressed their power through movement and appointment. The first situation is expressed in the Maghrebi use of the word, “*maḥalla*,” meaning, “a place of stopping.” In the Maghreb, the term described a mobile seat of power. The sovereign or his delegates would travel the realm, displaying power, exchanging gifts, and collecting taxes. This is a situation that the

³² Recent scholarship has generally held that the French insistence on the *bilād al-makhzen/bilād al-sība* distinction was a function of a cynical colonial epistemology. Certainly, there is merit to this claim. As we will see in the next chapter, the manipulative aspect of the categorization deepened throughout the colonial period, particularly when the impulse to homogenize to territory was reversed and the distinction became a feature of an emergent divide and rule policy in the 1930s. But Benton’s analysis of the entwining of law and geography in other imperial and colonial European contexts shows that the *bilād al-makhzen/bilād al-sība* distinction was part of a generalized European epistemological and legal indeterminacy and uncertainty about upland and desert regions. The colonial animation of a distinction between premodern variegated or “lumpy” territory and modern homogenized territory—the movement from a Moroccan state pocked by gaps of unruliness to a singular *bilād al-makhzen*—relied on a longer history of European thought about the application of law, the creation of jurisdiction, and the resistance of certain geographical features to this project. Benton challenges the neat movement towards increasing rationalization of global space. But the equation of cartographic uncertainty with unruliness became something to overcome in the late 19th and early 20th century French colonial project. For precolonial Moroccans, the regions and peoples that the French grouped under the terms *bilād al-sība* were not parts unknown. Benton, *A Search for Sovereignty*.

³³ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism, revised edition* (London: Verso. 1991), 180.

postcolonial theorist, Achille Mbembe has called, “itinerant territoriality.”³⁴ Through motion, diverse regions of the realm were brought into relation. The movement of the *mahalla* described an unevenly distributed form of power. But the smooth and constant movement of the throne and its regular recurrence through specific parts of the realm evinced a sovereignty that ran like a thread through the landscape. The *mahalla*’s departure from an area did not mean the end of central government until its return. This can be seen in a magisterial presentation, translation, and analysis of the work of chancellery norms of the late Almohad period (1224-1269) by Pascal Buresi and Hicham El Aallaoui. They write of a vast system of appointments and delegation of powers by the Almohads, who built on the bureaucracy put in place by the Almoravids. Sometimes movement and appointment worked in tandem and overlapped. According to Buresi and El Aallaoui:

The [Almohad] Empire’s administration operated on two levels, the central administration around the caliph and the provincial administration. This distinction was not as clear as those terms might [seem] to indicate, since at least during the first Almohad period the central administration had no fixed seat, following the caliph’s movements as he surveyed his empire.³⁵

The ruler traveled the empire, meeting local leaders and attempting to fold them into his administration and leaving behind officials. Power was likewise expressed in the writing of court secretaries, who sent missives bearing the mark of the sovereign around the realm.

This situation of itinerate territoriality lasted well into the nineteenth century. Writing of precolonial Algeria, historian Brock Cutler notes, “The mahalla was the government itself in motion, a processional authority expressing and confirming the

³⁴ Achille Mbembe. “At the Edge of the World: Boundaries, Territoriality, and Sovereignty in Africa,” trans. Steven Rendall, *Public Culture* 12, no. 1 (January 2000): 263.

³⁵ Pascal Buresi and Hicham El Aallaoui, *Governing the Empire: Provincial Administration in the Almohad Caliphate* (1224-1269), trans. Travis Bruce (Leiden: Brill, 2013), 155.

power of the sovereign over his subjects.”³⁶ As European encroachment into Morocco advanced throughout late nineteenth and early twentieth century, the movement of the court and its delegates throughout the territory accelerated. For example, the Moroccan historian and diplomat, Abū al-Qasim al-Zayānī (d. 1833), describes a case in which the court of the Sultan Muḥammad ibn ‘Abd Allah (r. 1757 - 1790) visited a tribe between Marrakesh and the Atlantic coast in attempt to alert them of European presence in the region and rally them to the cause of defending *Dār al-Islām*.³⁷

There were thus many flaws in the narrative of the French overcoming the *bilād al-makhzen/bilād al-sība* distinction to create a coherent territory. The French overdramatized the dichotomous nature of the distinction and thus imagined a fragmentary and inchoate precolonial Morocco. Instead, the precolonial Far Maghreb expressed an ever-evolving system of governance that relied on shared symbols and assumptions of Muslim rule, made manifest by the constant movement of the ruler and his exercise of the power of appointment. Far from existing as a primitive and isolated system of governance, this history of rule constantly responded to the realities of imperial competition with Christian powers and, later, colonial encroachment. Certainly, itinerate territoriality was not modern territory. But, perhaps most damning to Gellner’s notion that France alone unified the Moroccan nation is not the precolonial past but the postcolonial present. As subsequent chapters will show, internal variation and uncertain borders continue to defer Gellner’s ideal nation.

French advocates for the colonization of Morocco formed an intellectual picture of a distinctive brand of Islam that could be exploited and manipulated by a colonial power. Wyrzten shows that the early years of French colonial intervention in

³⁶ Brock Cutler, “Believe in the Border, or, How to Make Modernity in the Nineteenth-Century,” *Maghrib Journal of the Economic and Social History of the Orient* 60 (2017): 90.

³⁷ Abū al-Qāsim ibn Aḥmad al-Zīyānī, *Al-turjamānah al-kubrā allatī jama ‘t akhbār al-Ma‘mūr barrā wa-baḥrā* (Rabat: Dār Nashr al-Ma‘rifa, 1991), 406-8.

Morocco caused a “politicization of territory.” He writes, “territory itself [...] gained a political salience it did not have before colonial intervention.”³⁸ These were inseparable colonial projects. “*Islam marocain*” itself was a territorial project. Territorializing Islam in Morocco meant “pacifying” the regions of revolt, both through violent, militaristic means and by attempting to deploy a vision of Moroccan Islam that was neatly gathered beneath the central symbol of the monarch. These projects were aspects of the French scholarly imaginary that relied on vectors of research and selective understandings to shape the knowledge-praxis axis. Burke argues that Moroccan Islam was inherently at odds from the “universal” reality of historical Islam.³⁹ For Burke, Moroccan Islam was a part of colonial governmentality, which was then coopted by the postcolonial state.⁴⁰ It, therefore, represented an unprecedented break with the past. It is possible, though, to acknowledge how the colonial state distorted and fabricated Islamic tradition without uncritically claiming that that tradition was “universal” in the premodern period. Next, we consider how Muslim jurists conceived of the space of the Maghreb through their fatwas.

The Space of Law: Fiqh as a Chronotope of Morocco

As Burke points out, French knowledge of Moroccan Islam was very long on compendia of various Sufi brotherhoods, their leaders, adepts, ideas, and practices but short on information about the views of the *fuqahā*, or Muslim jurists.⁴¹ It is clear that scholars like Doutté, Michaux-Bellaire, and Le Chatelier gave short shrift to the voluminous writings of Moroccan Muslim jurists in the early twentieth century. They also unnecessarily polarized juridical and mystical Islam. This does not mean that they had no interest in the actions of the jurists. In 1905, Le Chatelier wrote, “In many

³⁸ Wyrzten, *Making Morocco*, 46.

³⁹ Burke, *Ethnographic State*, 1.

⁴⁰ *Ibid.* 195-200.

⁴¹ *Ibid.*, 27.

cases, we will do one hundred times better with a well written fatwa by the *'ulamā'* than with simple repression."⁴² The French did have knowledge of Moroccan fatwas of the decade prior to colonization that dealt with affairs of state. It is likely that they had a hand in prompting or, at least, promoting the circulation of some fatwas. In keeping with an effort to strengthen the *bilād al-makhzen* over the *bilād al-sība*, they worried about threats to the Moroccan throne. One such threat came during the reign of Sultan 'Abd al-'Azīz (r. 1894-1908).

In 1902, an ex-convict by the name of Jilalī ibn Idrīs al-Zarhūnī returned to Morocco after travels in the eastern Maghreb. He claimed to be the older brother of 'Abd al-'Azīz. Exploiting nascent ill-will towards the Sultan, the pretender rallied tribal leaders to his cause by claiming that that 'Abd al-'Azīz was flirting with the "Christian" powers. With time, he convinced tribal leaders to revolt against the Sultan. Abū Himārā (Father of a Female Donkey), as he was known by his enemies, gained some victories against the Sultan and began to set up a counter-state.⁴³ During this attempted coup, the French momentarily saw the *'ulamā'* as allies. The July 1903 edition of the *Bulletin* reported that, in attempt to calm the revolt, the sultan circulated two documents, which affirmed his leadership. The second of these documents, according to the anonymous author of the entry, was authored by the *'ulamā'* of Fez, who were also unnamed. The author included a translated excerpt of this fatwa that stated that the current sultan was a good Muslim, and descendent of Muḥammad, and that revolt against him would be sacrilege.⁴⁴ For a moment then, it seemed that the *'ulamā'* could be a tool in Le Chatelier's dream to strengthen the *makhzen*. This

⁴² Quoted in: Robin Bidwell, *Morocco Under Colonial Rule: French Administration of Tribal Areas 1912-1956* (New York: Routledge Books, 1973), 148.

⁴³ Burke, Edmond III, *Prelude to Protectorate in Morocco: Precolonial Protest and Resistance, 1860-1912* (Chicago: Chicago University Press, 1976), 62-68.

⁴⁴ "Maroc: Le prétendant Bou Hamara," *Bulletin du Comité de l'Afrique Française* 13, no. 7 (July 1903): 226. We should note the possibility that the French had a hand in penning this fatwa.

would come to an end when important *'ulamā'* switched their allegiance from 'Abd al-'Azīz and threw their support behind his brother, 'Abd al-Ḥafīz (r. 1908-1912). But the French attempt to coordinate the *'ulamā'* to put down the revolt of Abū Himārā marks a moment before the French turned away from the *ulamā'* as potential allies and towards actors they understood (or wanted) to be more authentic representatives of Moroccan Islam, including Sufis and other notables.

What were the views of the *'ulamā'* in the years prior to the establishment of the protectorate? And, more specifically for our purposes, what were the views of the *fuqahā'* about the intersection between Islamic law, political sovereignty, and geography? Obviously, their views were as numerous as they were; but one scholar who can help us answer this question is the Fez-based legal scholar al-Mahdī al-Wazzānī. Wazzānī is a useful point of entry because his works referenced the long history of Maghrebi and Andalusian thought on the subject. Wazzānī presents an expansive vista from which we can see the interaction between Islamic law and political geography in the Maghreb over the *longue durée*. In what follows, I show how Wazzānī answered a legal question about territorial and extra-territorial status. Then I move backwards in time, tracing a similar question back through Wazzānī's references. The closest authority in time to Wazzānī was Aḥmad ibn Yaḥiya al-Wansharīsī (d. 1508). Wansharīsī took an ontological view of geography. He considered the Maghreb to be a site of flourishing for Muslim life. Next, we consider the role of Ibn Rushd al-Jadd (Ibn Rushd The Grandfather) (d. 1126), who look legal formalist and geopolitical views of the space of the Maghreb. Finally, we proceed back in time to the twelfth century and Abū Bakr ibn al-'Arabī (d. 1148), who understood geography primarily in an epistemological mode. We end by returning to Wazzānī and showing how he collapsed his forbearers and dramatically reversed their

rulings, thus altering the relationship between religion and territory in the region.

A Fatwa on the Eve of the Colony: Wazzānī

Wazzānī is most notable for his compendium of fatwas, *The New Comprehensive and Clear Standard Measure of Legal Opinions of the Most Recent Jurists of Morocco* [*al-Mi'yār al-jadīd al-jāmi' al-mu'rib 'an fatāwī al-muta'akhhirīn min 'ulamā' al-Maghrib*], known, for short, as *The New Standard Measure*. This eleven-volume work was a self-conscious attempt to continue and update the fifteenth century classic fatwa compilation of *The Standard Measure* [*Mi'yār al-mu'rib wa 'l-jāmi' al-mughrib 'an fatāwī 'ulamā' Ifrīqiya wa 'l-Andalus wa 'l-Maghrib*]. The earlier work was compiled by Aḥmad ibn Yaḥiya al-Wansharīsī (d. 1508). As the historian Etty Terem argues in her study of Wazzānī, his work constituted an argument for *maḏhab*-based jurisprudence in an era when reformers were attempting to bypass the schools of law and go instead directly to the scriptural sources.⁴⁵ Wazzānī included a massive array of fatwas by himself and others to show that late nineteenth/early twentieth century problems could be addressed by recourse to the Mālikī school. Among the problems addressed by Wazzānī himself was the question of Muslim relations with non-Muslims. He did so in two fatwas. The first addressed the question of Muslims seeking protection from, or acting as agents for, non-Muslims. At issue was the issue of protection (*ḥimāya*), a system, in place since about 1860, whereby North African Muslim “protégés” were granted extra-territorial status by European powers in exchange for their service. Wazzānī was asked for his professional opinion on a case in which a Tunisian judge had sought redress from a

⁴⁵ Terem, *Old Texts, New Practices*, 69-74.

deal gone wrong by appealing to the British authorities in Tunis.⁴⁶ Wazzānī's response was outright condemnation of the judge for seeking the help of Christians, describing it as "abandonment of Islam" (*khurūj 'an al-Islām*).⁴⁷ The second case referred to a fatwa by the earlier fatwa-compiler, Wansharīsī, and the question of whether to receive the legal testimony of Muslims living in non-Muslim lands.

The fatwa in question concerned a group of Berbers who did not leave their home after it was captured by Christians. In his response, Wansharīsī considered four reasons that Muslims might be within *dār al-ḥarb*: (1) residing there, (2) entering to trade with Christians or to inform them of Muslim weakness, (3) fishing with Christians, appealing to their judges, and wishing to extend one's stay, (4) buying goods that the Christians seized when they captured formally Muslim lands.⁴⁸ On each count, except for the last, Wansharīsī condemned Muslim activity in Christian lands. He took special care to state that the legal testimony of Muslims living in non-Muslim lands was invalid. The only exception he made was to allow Muslims to travel to *dār al-ḥarb* to recover usurped Muslim possessions, albeit with some conditions. In another, closely connected fatwa, Wansharīsī gave further insight into how he understood the relationship between Islamic law and spatial belonging. In this fatwa, he positioned the Far Maghreb as an emblematic Islamic land. Before returning to Wazzānī's answer to the question about whether to hear the testimony of Muslims who resided in non-Muslim lands, it is useful to canvass the legal history that he employed.

⁴⁶ For a detailed presentation of the fatwa in question see: Terem, *Old Texts, New Practices*, 76-94.

⁴⁷ al-Mahdī Wazzānī, *al-Mi'yār al-jadīd al-jāmi' al-mu'rib 'an fatāwā al-muta'akhhirīn min 'ulamā' al-Maghrib*, 8 vols. (Rabat: al-Mamlakah al-Maghribīyah, Wizārat al-Awqāf wa-al-Shu'ūn al-Islāmīyah), 3:73.

⁴⁸ Terem, *Old Texts, New Practices*, 95.

The Maghreb as an Ideal Muslim Land: Wansharīsī

Wansharīsī was a prodigious scholar, known mostly for his legal works. He also produced biographies and works of administrative comportment and policy. He holds a special place in modern Morocco, perhaps not just because he represents a laudable scholarly forefather but also because his legal *responsa* document the fall of Granada and Maghrebi hospitality and endurance in the face of that calamity. Of special importance is his response to a query written by a Maghrebi Muslim who had witnessed the travails of some Andalusian émigrés in the Maghreb. Finding themselves bereft of their former wealth, the émigrés regretted their move and expressed a desire to cross the Mediterranean again and take up residence under Christian rule. Wansharīsī's fatwa, *The Most Noble Commerce, an Exposition of the Rulings Governing One Whose Native Land has been Conquered by the Christians and Who Has not Emigrated, and the Punishments and Admonishments Accruing to Him* (*Asnā al-matājir fī bayān aḥkām man ghalaba 'alā waṭanihi al-naṣārā wa-lam yuhājir wa-mā yatarattabu 'alayhi min al-'uḳūbāt wa 'l-zawājir*), is expertly translated and analyzed as a window onto Muslim juridical practice in the period by Jocelyn Hendrickson in her dissertation, "The Islamic Obligation to Emigrate: Wansharīsī's *Asnā al-matājir* Reconsidered."

The individual who requested the fatwa, named as the jurist Abū 'Abd Allāh ibn Qaṭīya,⁴⁹ set up the problem as one of ordering one's commitments—to property, to family, and to religion. The immigrants, he said:

Left behind their houses, property, orchards, vineyards, and other types of immovable property. [They] spent, in addition to this, a large sum of their available money [to escape] from under the rule of the community of unbelievers; and [they] allege that they fled for the sake of God, taking with them [only] their religion, their lives, their families, their offspring, and whatever money they had left—or that some of them had left; and [they]—

⁴⁹ Ibn Qaṭīya is unknown by modern scholars and thus no death date for him exists.

praise be to God the Exalted—settled in the land of Islam [*dār al-Islām*], under submission to God, His prophet, and Muslim rule.”⁵⁰

Finding that personal wealth was much decreased in the Maghreb, the immigrants cursed the region and insisted that the obligation ought to be to move in the opposite direction.⁵¹ Ibn Qaṭīya understood such talk as a sign of the immigrants’ weakness in faith.

At first it may seem that the order of values runs directly from personal wealth, including moveable and immovable property, at the low end, through life, lineage, and religion, all of which would be properly protected only by residing in *dār al-Islām*. In this scheme, there would be a legal ordering similar to what is described by Hobbes wherein state sovereignty stands over and guarantees personal property.⁵² Without (Muslim) sovereignty there could be no personal property. As we will see, there was a difference of opinion as to whether being Muslim or residing in a Muslim realm was a guarantee of the inviolability of property among the Sunni schools of law and even within the Mālikī school. Interestingly, though, there was the suggestion that personal wealth would increase so long as one resided, faithfully, within the Abode of Islam. Thus, we start to see a homology forming between the personal and the collective and between Islam conceived as the salvational practices of individuals and Islam conceived as an imperial ideology. Just as personal wealth was directly tied to Islamic sovereignty, *dār al-Islām*, so too was individual faith tied to the strength of the community. In this we can see the theorizing of a complex relationship between

⁵⁰ Jocelyn Hendrickson, “The Islamic Obligation to Emigrate: Al-Wansharīsi’s *Asnā al-Matājir* Reconsidered” (PhD diss., Emory University, 2009), 341; Abī al-‘Abās ibn Yaḥiyya al-Wansharīsi, *Asnā al-matājir fī bayān aḥkām man ghalaba ‘alā waṭanihi al-naṣārā wa-lam yuhājir wa-mā yatarattabu ‘alayhi min al-‘uḳūbāt wa ‘l-zawājir* (al-Zāhir: Maktabat al-Thaqāfah al-Dīniyya, 1996), 21-2.

⁵¹ Hendrickson, “Obligation to Emigrate,” 342; Wansharīsi, *Asnā al-matājir*, 22.

⁵² See: Thomas Hobbes, *De Cive: The English Version* [1647], ed. Howard Warrender (Oxford: Clarendon Press, 1983).

the individual or family unit and the political community through the notions of possession and sovereignty.

Wansharīsī began by reiterating that the obligation to emigrate from the land of unbelief to the land of Islam obtained until the Day of Judgment,⁵³ though he had to work through two seemingly contradictory hadiths to prove this point.⁵⁴ After citing several Qur’anic verses and hadiths in support of this widely held sentiment, Wansharīsī wrote that those who failed to emigrate are anathema because they resided with unbelievers and thus, “[increased] their numbers.”⁵⁵ This indicates that, in Wansharīsī’s reading of early Islamic materials, the failure to emigrate resided primarily in one’s duty to the community. The obligation for Muslims to migrate from Mecca to Medina with Muḥammad became precedent for the imperial imperative to strengthen numbers. Wansharīsī then engaged in an extensive review of different juridical perspectives on two related issues: What should happen when a non-Muslim, living in non-Muslim lands converted to Islam; and what should Muslims do when the Islamic lands in which they were residing were conquered by non-Muslims? The latter question did not present itself in early Islamic law. Therefore, he argued, a viable analogy could be made from the case of those living in non-Muslim lands who convert to Islam and those Muslim who suddenly found themselves living in non-Muslim lands after they were conquered.

⁵³ Hendrickson, “Obligation to Emigrate,” 344; Wansharīsī, *Asnā al-matājir*, 25.

⁵⁴ In the first hadith, it is reported that Muḥammad said that, “the duty to emigrate will not cease.” The second holds that, “There is no *hijra* after conquest, but there [remains the obligation of] jihad and [correct] intention. When you are summoned to battle, go forth” (Cited and translated by Hendrickson, “Obligation to Emigrate,” 185). Wansharīsī arranges a quote from Ibn al-‘Arabī to support the claim that those forms of *hijra* that ceased to be obligatory are those that urged or required Muslims to migrate to Muḥammad after he relocated from Mecca to Medina. This means that the requirement to migrate from non-Muslim lands to Muslim ones would obtain until the end of time. For a dissection of the varieties of migration, see: Hendrickson, “Obligation to Emigrate,” 185-191.

⁵⁵ Hendrickson, “Obligation to Emigrate,” 350; Wansharīsī, *Asnā al-matājir*, 29.

Wansharīsī presented various opinions on what guaranteed a person's life and property. One of two options presented itself: being Muslim or living in an Islamic land. He noted that, for Mālik and Abū Ḥanīfa, being Muslim was sufficient to protect one's life; but one had to live in Muslim lands to have one's property secured. Abū Ḥanīfa differed, however, in that he maintained that the accidental killing of a Muslim in a non-Muslim land required only atonement and not the payment of blood money. Some Mālikīs, Wansharīsī noted, sided with Shāfi'ī's stance that being Muslim protected one's property and life. A minority of Mālikīs offered that converts to Islam should be treated differently from Muslims living in lands that had been conquered by non-Muslims. Wansharīsī himself did not offer an opinion on this issue. He did apparently affirm the stance that if a Muslim fought alongside a non-Muslim, it became licit for Muslim forces to take his property.

What is the theory of religio-political and religio-economic subjecthood that emerges from this range of legal rulings on the fate of a Muslim's self and property? The variety of opinions on these issues bespeaks Islamic legal methodological formalism and a commitment to proof text that makes such generalization or abstraction about subjecthood difficult. What is clear is that the self and its property were separable but dependent. This can be seen in the position that Wansharīsī attributed to the Mālikī jurist, Ibn al-Ḥājj (d. 1134). Ibn al-Ḥājj was among those Mālikīs who departed from Mālik's position and said, with al-Shāfi'ī, that both one's life and one's property were protected by virtue of being Muslim, regardless of whether or not one lived in Muslim territory. But Ibn al-Ḥājj posited a break in the analogy between converts and conquered Muslims. He held that al-Shāfi'ī's position only applied to conquered Muslims because, as Hendrickson puts it, "conquered Muslims were never characterized by unbelief and thus their property had at no prior point been licit for

other Muslims.”⁵⁶ This dramatizes the degree to which biography, personal property, and political subjecthood were dependent variables through which jurists and muftis considered what it meant to be Muslim, to maintain submission to God’s law in expectation of the Hereafter, and to be provided with the opportunities for flourishing on earth.

After reviewing the baseline issues of emigration, Wansharīsī moved to the more specific question at hand. He spared no scorn for the Andalusians who had cursed the Maghreb and longed to return to their homes, now ruled over by Christians. His most obvious indictment was that they put worldly concerns before otherworldly aspirations:

This [immigrant who was so] deceived in concluding his bargain [i.e., preferring this world and losing the hereafter]—the one who regretted his emigration from a land in which the Trinity is alleged, in which church bells are rung, in which Satan is worshiped and the Merciful is renounced—did he not realize that man has only his religion, through which [is obtained] his eternal salvation and happiness in the hereafter, and for which he should exert his priceless soul, to say nothing of most of his wealth?⁵⁷

Wansharīsī’s condemnation of the émigrés relied on theological understandings of the relationship between land, religion, and the political community. That his language departed so readily from the rules of *fiqh* is perhaps indicative of the latitude involved in the form of the fatwa but no less demonstrative of the nature of Islamic “law” therefore. Wansharīsī’s moved from a rule-based rendering of the law to a theological rendering of the problem. The desire to return to Christian lands, he stated, led to social discord (*fiṭna*). Wansharīsī ruled by focusing on the verbal pronouncements of the émigrés; but an analysis of their utterances also led him to theorize about what the scholar of Islamic law Babar Johansen calls their *forum*

⁵⁶ Hendrickson, “The Islamic Obligation to Emigrate,” 193.

⁵⁷ Hendrickson, “The Islamic Obligation to Emigrate,” 369; Wansharīsī, *Asnā al-matājir*, 45.

internum (baṭin). In contrast to what Johansen says about the epistemological skepticism practiced by judges, Wansharīsī inferred a state of mind about the émigrés' abandonment of religion. Desire to abandon Muslim lands was, for him, the same as the desire to abandon Islam. Just as geographical location was an indicator of one's commitment to Islam, desire to live in a different location was an indication of one's abandonment of religion.

For Wansharīsī, land could not be thought of separately from the religious and political. The religious was represented an aesthetic—the ringing of church bells, which engulfed the land. The focus on sound indicates a concern not only with space as land but also as air. The turn to air is currently gaining some attention amongst theorists of territory and earth. From Luce Irigaray's critique of Heidegger's emphasis on earth and his "forgetting" of air⁵⁸ to the German "philosopher of the air," Peter Sloterdijk, a concern with the vertical dimension of space (not only the air but also the subsoil) is proving to be a useful way to understand ontology.⁵⁹ Social scientific appropriations of these philosophers most often see air and subsoil as a quality of new conceptions of space and power, exemplified by air and tunnel-based warfare and the exploration and extraction of mineral and hydrocarbon deposits.⁶⁰ But Wansharīsī's reference to church bells shows that there is a precedent for an air-based understanding of the space-power linkage. In fact, this understanding of religious meaning floating through the air likely pre-dated any notion of hard and fast borders inscribed on the land.

⁵⁸ Luce Irigaray, *The Forgetting of Air in Martin Heidegger*, trans. Mary Beth Bader (Austin, TX: The University of Austin Press, 1999)

⁵⁹ Peter Sloterdijk, *Spheres*, trans. Wieland Hoban (Los Angeles: Semiotext(e), 2011).

⁶⁰ See: Stuart Elden, "Secure the volume: Vertical Geopolitics and the Depth of Power," *Political Geography* 34 (2013): 35-51.

In his consideration of how to respond to the ill-tempered immigrants, Wansharīsī did not rank priorities in the same manner as the questioner, wherein worldly concerns ranked below otherworldly ones and where the purity of one's religion always trumped finances. He first punctured the assumption that these terms could be separable and placed on a linear scale of priority by arguing that there was reward in the Hereafter for spending money in the way of religious piety and uprightiness. Spending to escape lands of unbelief, if one was able, was a necessity. But he went beyond this *quid pro quo* theory of religion to a political theology of land. The earth, he said, was spacious enough to accommodate those fleeing non-Muslim rule. In support of this he cited Qur'an 4:97 in which angels chastise those who did not emigrate with Muḥammad. "But was not God's Earth wide, so that you might have emigrated in it?" In Wansharīsī's gloss, this did not merely mean that there was ample room in *dār al-Islām* for those required to emigrate; it also meant that the world was fecund enough to support immigrants. This, he continued, was all the truer in the Maghreb:

So how [could one think of staying in or returning to non-Muslim territory] for some ephemeral worldly pursuit, the relinquishing and renouncing of which would not adversely affect making a living among Muslims or impact the bounty [available in Muslim lands] for those seeking subsistence? [This is] especially [true] in this devout Maghreb region [*al-quṭr al-dīnī al-maghribī*]—may God preserve it, augment its honor and glory, and protect it from changes of fortune and sorrows, from [its] center to its periphery [*wasatān wa ṭarafān*]—for its soil is among the most fertile, and its lands among the most spacious in length and width, on God's earth, particularly the city of Fez and the areas under its jurisdiction, its surrounding regions in every direction, and its districts.⁶¹

⁶¹ Translation with slight changes by Hendrickson, "The Islamic Obligation to Emigrate," 368-9; Wansharīsī, *Asnā al-matājir*, 44-5.

It is sometimes said that an attachment to a particular land is unique to citizens of the modern nation-state.⁶² Here, Wansharīsī's description of the Maghreb bordered on the patriotic. For him, the region of the Maghreb was a natural and incontrovertible geographical category, one with a theological dimension. Though he did not speak of its borders in a precise, modern sense,⁶³ Wansharīsī did envision a center and a periphery. The political center, the city of Fez, was also the center of the natural wealth of the region. The fertility of Fez was not a result of human management of the land. Instead, the region benefited from a telluric givenness, the result of Divine Grace. Wansharīsī's supplication was also a form of thanksgiving. Rather than asking for the return of God's favor to the region, he asked for the continued wellbeing of the land and its inhabitants. There is no doubt that Wansharīsī favored otherworldly concerns over worldly ones. But, in his praise of the Maghreb, these priorities looped back on themselves. Not only was attainment of salvation dependent on residing in Islamic lands, earthly flourishing was made possible in those lands. Fertile, Muslim lands thereby became an analogy for Paradise. As we will see, this represented a new development in how legalists represented the Maghreb. For those jurists who Wansharīsī cited, the Maghreb had no special importance or qualities.

How far is the Maghreb?: Ibn Rushd al-Jadd

Hendrickson shows that Wansharīsī's fatwa was greatly indebted, without attribution, to the little-known jurist Muḥammad Ibn al-Rabī' (d. 1319). Wansharīsī

⁶² See: Peter Geschiere, *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa and Europe* (Chicago: University of Chicago Press, 2009).

⁶³ Hendrickson's translation of the words *wasatān wa ṭarafān* as "central lands to the borders" is anachronistic because it gives the impression that the Maghreb had agreed upon and precise limits. *Ṭaraf* instead should be rendered as periphery or outermost extent.

preferred to cite the more renowned authorities, Ibn Rushd al-Jadd⁶⁴ and Abī Bakr Ibn al-‘Arabī. The elder Ibn Rushd was a master Mālikī jurist of eminent standing. Between 1117 and 1121 he was Chief Judge in Cordoba. In a seminal fatwa, presented in his compendium *al-Muqaddimāt al-mumahhidāt*, Ibn Rushd considered the question of whether Muslims could engage in trade in non-Muslim realms. His answer was a resounding ‘no.’⁶⁵ Elsewhere, Ibn Rushd gave more clues as to how he thought about the relationship between *dār al-Islām*, sovereignty, and geography. Even after his tenure as Chief Judge of Cordoba ended, he fielded several requests for juristic *responsa* from the region sometimes called “The Bank (*al-‘Idwa*),” meaning the bank of the Atlantic, or the Far Maghreb. The fact that Maghrebis reached out to Ibn Rushd is significant in its own right for the present question. It shows that the regions were bound together by the legal guild of Mālikīism. Even though they were divided by a sea, Maghrebis felt comfortable deferring to an immanent authority elsewhere. The historian, Camilo Gómez-Rivas, shows that, prior to the fall of Cordoba, such deference was quite common. The drawing together of distinct regions by common allegiance to an Islamic legal guild is perhaps unsurprising. The schools of law quite clearly followed geographical clustering patterns; but there was, nevertheless, intellectual traffic and allegiance between scholars of the same school working in radically different regions, showing that the schools operated both within and in excess of political sovereignty formations. A slightly more surprising facet of

⁶⁴ Ibn Rushd is not to be confused with his grandson, Ibn Rushd al-Ḥafīd (Ibn Rushd the Grandson, known in Latin as, Averroes), who was immortalized in the history of European philosophy for his decisive contributions to the field of Aristotelian philosophy.

⁶⁵ He wrote, “The learned [*ahl al-‘ilm*] viewed the matter of going to the Abode of War to conduct trade with contempt. In particular, Mālik, God’s Mercy on him, reviled those who departed for the lands of war, whether by land or sea, for trade. He said so within earshot of Ibn al-Qāsim [an important, early architect of the Mālikī School d. 806], who asked him about this matter. [Mālik] said that God created for each one his own lot and means of sustenance. This is the root of [Mālik’s] contempt.” Muḥammad ibn Aḥmad ibn Rushd, *Muqaddimāt al-mumahhidāt*. 3 vols. (Beirut Dār al-Gharb al-Islāmī), 2:151.

the correspondence between Maghrebi petitioners and the Andalusian jurist, Ibn Rushd, is that, among those writing with legal queries, was none other than the Almoravid leader himself, ‘Ali ibn Yūsūf (r. 1106–1143), meaning that the ruler was not concerned with trying to re-center scholarly authority to the Maghreb. Ibn Rushd’s responses showed precisely such an awareness of the regional distinctiveness of Andalusia and the Maghreb, while also recognizing their shared political, legal, and geopolitical features as compared with the Islamic East.

In particular, the Commander of the Muslims, Ibn Yūsuf, attached his name to two requests for fatwas from Ibn Rushd. The first was on the legitimacy of Ash‘arī theology. Some in the Maghreb objected to theology on the grounds that it represented a speculative engagement with Islamic source texts. The text of the *istiftā’* (request for a fatwa) indicates the petitioners’ sympathy for the discipline and hope that Ibn Rushd would side with the theologians, as indeed he did.⁶⁶ The second of the Commander’s requests for a fatwa is more pertinent to the present question about political power, Islamic law, and geographical space. The Commander and his cosigners wanted to know which obligation was more important: the obligation to go on the pilgrimage to Mecca or the one to fight in a legitimate *jihād*. The request signaled an additional concern with the more general *fiqhi* question of whether a communal obligation (*farḍ al-kifāya*), such as fighting in *jihād*, ought to trump an individual obligation (*farḍ al-‘ayn*), such as going on *hajj*.

⁶⁶ That prominent Maghrebi scholars and the Amir himself would have shown such approval of *kalām* throws a wrench in the gears of dominant intellectual histories of the Almoravid period. Historians have often spoken of medieval Maghrebi disdain for theology. This attitude is corroborated by accounts of the mass burning of books by the great theologian and polymath, Abū Ḥamid al-Ghazālī (d. 1111). Gómez-Rivas reasons that al-Ghazālī’s books may have burned for reasons of scholarly and imperial competition rather than an absolute ban on theological thinking. Gómez-Rivas, *Law and the Islamization of Morocco*, 91.

Before turning to the specifics of Ibn Rushd's response to the latter question, it is worthwhile to pause to again consider the significance of the Commander's requests for fatwas from Ibn Rushd. Three factors present themselves as important in relation to this question: Ibn Rushd's widely recognized eminence in Mālikī circles, his small but significant geographical distance from the Maghreb, and the particular nature of his authority relative to that of the political leader. In the absence of direct documentary evidence about why the Commander and many other Maghrebis wrote to Ibn Rushd, these factors are indeterminate. For example, one could argue that Ibn Rushd's authority was so great that it occasioned an overcoming of geographical distance. This is attested to by the sheer volume and scope of the legal questions put to him by Maghrebis. But, it could also be convincingly argued that his distance was actually what gave his views some of their credibility. He might, in other words, have been thought to be above the fray. Whatever the case, the important point is that the political authority deferred to a legal one in these controversial matters, both of which had importance for *raison d'état*. A closer look at Ibn Rushd's reply to the question about the relative obligation of *ḥajj* versus *jihād* conveys an added layer of significance to this action.

In his initial response, Ibn Rushd said that the obligation to perform *ḥajj* had lapsed for those in Andalusia because the route was not safe. By citing Prophetic reports, Ibn Rushd argued that the obligation to perform the pilgrimage was in effect only when one was able to do so; he argued that "ability" entailed the ability to arrive safe of body and possessions.⁶⁷ Given the absence of such guarantees, the obligation to travel to Mecca was no longer in effect. Ibn Rushd then referenced (without

⁶⁷ Gómez-Rivas, *Law and the Islamization of Morocco*, 96; Ibn Rushd. *Fatāwā Ibn Rushd*, ed. al-Mukhtār b. al-Ṭāhir al-Talīlī. (Beirut: Dār al-Gharbal-Islāmī, 1987), 1022.

directly citing) Qur'an and hadith texts to show how great was the reward for engaging in *jihād*. He understood *jihād* to be a central and most meritorious obligation. He even expanded the petitioners question to include whether one who has already gone on the pilgrimage should engage in *jihād*. He argued that they should feel encouraged to do so.⁶⁸ In this first response, Ibn Rushd failed to mention the Maghreb. So, the petitioners asked for clarification about the particular circumstances of "The Bank." Ibn Rushd began by linking the Far Maghreb and the Andalusia, in relation to the Islamic East, by stating that they shared a route to the Mecca. Therefore, for Maghrebis too, the obligation to go on the *hajj* was not in effect. He went further by saying that, even if the route to Mecca were safe, *jihād* was still of greater import. Gómez-Rivas argues that this stance is reflective both of Ibn Rushd's overarching juristic approach and of the region more generally. The southward movement of the Muslim-Christian frontier meant that the two regions were hypervigilant about *jihād*.⁶⁹ Here we see how contact with religious others reshaped geography, drawing the sides of the Strait of Gibraltar closer together both in political reality and in the geographical imaginations of thinkers and political figures on both banks of the Mediterranean. Quite unlike Wansharīsī, Ibn Rushd retained the distinct names for the north and south banks but, apart from that, he listed no qualities that would distinguish them from one another. They appeared otherwise as generic portions of the greater *dār al-Islām*, united only by their shared Mālikism and proximity to the Iberian Christian frontier.

Abū Bakr ibn al-'Arabī: Itineracy and Borders in the Premodern Maghreb and Andalusia

⁶⁸ Gómez-Rivas, *Law and the Islamization of Morocco*, 97; Ibn Rushd. *Fatāwā Ibn Rushd*, 1025-26

⁶⁹ Gómez-Rivas, *Law and the Islamization of Morocco*, 98-9.

Another important touchstone for Wansharīsī's theory of emigration was the Andalusian jurist Abū Bakr ibn al-‘Arabī (d. 1148). Ibn al-‘Arabī's life and scholarship demonstrate another aspect of legal and political geography in the premodern Maghreb and Andalusia: that of itineracy. Wansharīsī referred to (and misconstrued) a typology that Ibn al-‘Arabī had devised for understanding when it was incumbent on Muslims to emigrate. Ibn al-‘Arabī listed six categories: 1) Departure from the Abode of War to the Abode of Peace; (2) departure from the land of heresy (*bid‘a*); (3) departure from lands where prohibited acts prevailed ; (4) fleeing because of fear of bodily harm; (5) fleeing because of fear of getting sick in an unhealthy land; (6) fleeing because of fear of harm coming to one's property. The first category clearly related to the establishment of *sharī‘a* and the reign of a Muslim ruler, although Ibn al-‘Arabī used neither term. The second categories related to theological tenets and the third related to practice. The last three categories concerned the well-being of Muslims in a land.

Ibn al-‘Arabī spoke from experience in detailing the reasons a Muslim should leave a land. While proving the obligation to emigrate from a land of heresy, he recounted a conversation he had with a well-known jurist and philosopher, another Andalusian, Abū Bakr al-Ṭurṭūshī (d. 1126), about why he (Ibn al-‘Arabī) was to depart Fatimid Egypt and return to Andalusia. Ṭurṭūshī argued that one should not desire to be in a land of ignorance, a reference to Andalusia. Ibn al-‘Arabī, though, maintained that a land of heresy, meaning Egypt, was worse.⁷⁰ A large part of Ibn al-‘Arabī's life was given over to moving away from inhospitable lands. He recounted this journey in his landmark *Tartīb al-riḥla*, which is said to have inspired a new

⁷⁰ Muḥammad ibn ‘Abd Allāh ibn al-‘Arabī, *Aḥkām al-Qur‘ān*. 4 vols. (Beirut: Dār al-Kutub al-‘Ilmīyah, 2003), 1:611.

genre of travel writing.⁷¹ That text is lost to us; but much of it survives in his *Qānūn al-Ta'wīl*.

Ibn al-‘Arabī began *Qānūn al-Ta'wīl* by briefly describing the leisurely life he led in Andalusia prior to the occupation by the Almoravids. His young life was one of learning but of a sort that he would later scorn. His father, ‘Abd Allah ibn al-‘Arabī, was a well-to-do politician. The son, Abu Bakr, set about the task of gaining the knowledge of a courtier. Soon, this life would crumble. ‘Abd Allah’s luck changed with the Almoravid conquest of Seville. Leaving seemed the most viable option. But it was not only the changing political winds—the burgeoning of what Abū Bakr referred to as unrest (*fiṭna*)—that spurred the younger Ibn al-‘Arabī’s departure. It was also a chance meeting with a bookseller who introduced the young Abū Bakr to a book by Abū Ja‘far al-Simnānī (d. 1052). The book recounted the eastern Islamic practice of debate about theological matters. Abū Bakr learned that that Simnānī had been the teacher of the scholar Abū al-Walīd al-Bājī (d. 1081), who had brought the senior scholar’s works back to Andalusia from the Islamic East. Ibn al-‘Arabī wrote, “The word [ie. the East] pierced my liver and rapped upon my mind.”⁷² His father and the bookseller told him the learned of Andalusia could barely understand this eastern knowledge.⁷³ This episode inaugurated a continual drawing of boundaries between eastern and western Islamic knowledge practices. His description of his early education expressed a degree of shame at his previous intellectual omnivorism and a renewed focus on religious knowledge.⁷⁴

⁷¹ Kenneth Garden, “The Rihla and Self-Reinvention of Abu Bakr Ibn al-‘Arabi,” *The Journal of the American Oriental Society* 135, no. 1 (January 2015): 2.

⁷² Muḥammad ibn ‘Abd Allāh ibn al-‘Arabī, *Qānūn al-ta'wīl* (Jiddah: Dār al-Qiblah lil-Thaqāfah al-Islāmīyah, 1986), 421.

⁷³ *Ibid.*

⁷⁴ Ibn al-‘Arabī, *Qānūn al-Ta'wīl*, 419.

The Ibn al-‘Arabī’s journey east also had specific political goals. The father sought to return to Andalusia under the favor of the Almoravids. To this end, he requested an audience with the Caliph in Baghdad so that the latter might issue a letter of investiture for the Almoravids. It is unclear if he was dispatched by the Almoravids to request the letter or if he acted independently, in order to show his allegiance to the new Andalusian power. The son, Abū Bakr Ibn al-‘Arabī, also worked to regain the favor of his homeland, despite his scorn for the intellectual climate and the abilities of his erstwhile colleagues. For that reason, he documented his meetings with great scholars, including the towering intellectual al-Ghazālī and received attestations from them. Abu Bakr understood plainly the relationship between knowledge and political power.

It may not be possible to stipulate exactly how Ibn al-‘Arabī’s travels informed his understanding of the law. The language in his personal travel narrative does not always square with that of his legal writings. For example, he used the term for social unrest and strife (*fiṭna*), rather than the theological notion of heresy, to describe the situation that prompted his and his father’s departure from Andalusia. But it is clear from his travel log, that he did not approve of the religious-intellectual climate in Andalusia either. Likewise, Ibn al-‘Arabī used the language of travel (*riḥla*) rather than emigration (*hijra*) to speak of his departure from his hometown, signaling that he did not believe Andalusia to be permanently unfit for habitation. Yet, the fact that his father was stripped of his office and property situates the reasons for their departure within at least two of his categories obliging migration.

The fact remains, though, that Ibn al-‘Arabī tied his legal theorizing to his travels. Recall that he embedded his categories that demand migration in the context of a debate with al-Ṭurṭūshī about whether it was worse to reside in a land of

ignorance or to live among those who fostered theological innovation (*bid'a*). This demonstrated how the determination of the legality of a place for Muslim residence was worked out through dialogic and epistemic encounter. This line of thinking was continued in *Qānūn al-Ta'wīl*. In that text, Ibn al-‘Arabī was constantly engaged in a process of trying to understand a place’s intellectual environment, both as a way to see if it satisfied his requirements but, more broadly, to determine if it was fit for Muslim residence. This reading of *Qānūn al-Ta'wīl* fits with a point the legal historian, Lauren Benton, makes about European imperial sojourner chronicles in the early modern period:

Scholars have tended to regard voyage chronicles as falling within the genre of travel literature, but many accounts of early voyaging are better understood as examples of legal writing, produced by chroniclers who were also royal officials or by participants in overseas commercial ventures positioning themselves or others in relation to ongoing or anticipated cases.⁷⁵

The same can largely be said of the way that scholars of Islam have treated the travel literature by Muslims. The context described by Benton is different than that by Ibn al-‘Arabī. Benton’s sojourners departed from European Christendom and encountered different and novel legal regimes. Ibn al-‘Arabī, on the other hand, never left what can broadly be characterized as Islamdom, even though he encountered regions that he considered to be marked by heretical innovation and thus outside the bounds of Islam properly defined. The latter point caused him to engage frequently in an investigation of a place’s intellectual and practical (in the sense of the proper practice of Islam’s salvational duties) suitability. Interestingly, it was not just the regions which had different intellectual proclivities, Ibn al-‘Arabī’s intellectual tastes also changed as he traveled through them.

⁷⁵ Benton, *Search for Sovereignty*, 25.

The scholar of Islam Kenneth Garden, points out that the *Qānūn al-Ta'wīl* evidenced an intellectual transformation. Soon after departing Seville, Ibn al-‘Arabī recounted a conversation he had with a learned man in Bijāya, on the Algerian coast. While ostensibly about hadith, Garden rightly indicates that the conversation was actually a performance of linguistic mastery and literary flourish.⁷⁶ This is the kind of knowledge Ibn al-‘Arabī would come to scorn as his journey continued. He turned increasingly to hadith and Qur’anic interpretation and law, though he would never completely leave behind his belle lettristic tendencies.⁷⁷ Ibn al-‘Arabī’s departure was thus one of epistemic and geographical movement. He described the ill-defined but, for him, highly pronounced difference with the Islamic East and primarily in intellectual terms. It might be circular to argue that a book about the author’s intellectual development described the differences between geographical spaces primarily in intellectual terms; but the point is not that he sidelined other possible ways to draw the border between East and West. Instead, other kinds of difference—different political and legal jurisdictions, for example—were always subsumed under the primary epistemic difference. For instance, his objection to residing in Fatimid Egypt may have been because of his contempt for the Shi’a rulers; but he spoke not of the political leadership but of heretical doctrines and practices in the region.⁷⁸ His attachment to a particular region was always to the dominant episteme and intellectual climate. It was in Baghdad that this new academic vista came into sharpest focus. Ibn al-‘Arabī wrote:

God’s beautiful design granted me the success to stay in the land of the Sham, in this blessed place, among the scholars, until there was, little by little, a meeting of the truth seekers who criticized points of ignorance, expounded upon what had only been summarized, clarified what was obscure, and made whole what was partial. These lessons

⁷⁶ Garden, “Rihla and Self-Reinvention,” 5.

⁷⁷ Garden, “Rihla and Self-Reinvention,” 17.

⁷⁸ Ibn al-‘Arabī, *Aḥkām al-Qur’ān*, 1:611.

prepared me for the acceptance of their truths and prevented wandering from their meanings, like one who acquires minerals, sifts gold from ore, and takes it to the foundry for purification.⁷⁹

His choice of a telluric metaphor indicates the significance of geography to his intellectual development. Just as his geography is informed by epistemic observations, his view of knowledge relied on an understanding of the earth. For Ibn al-‘Arabī, itinerancy and legal categories were linked. His primary investment was in the relationship between knowledge and geography. Some locations were defined by proper knowledge and practice, while other lands were impoverished precisely because they were sites of heretical ideas and improper practice. This theory was different from the pragmatic geopolitics of Ibn Rushd and the Maghrebi triumphalism of Wansharīsī.

Wansharīsī’s discussion of the specificity of Maghrebi land represented a departure from the understandings evinced by both Ibn Rush al-Jadd and Abū Bakr Ibn al-‘Arabī. In their legal writings, these earlier jurists spoke only of the need to remain within *dār al-Islām*, writ large. In Ibn Rushd’s case, this included finding areas where one’s life and property would be safe. Ibn al-‘Arabī’s travel writings conveyed a different conception of geography, one in which physical distances and spatial differences articulated with differences in intellectual climate. In a real way, his conception of geography was one of epistemic bordering. But with Wansharīsī, a subtle but significant shift occurred wherein he expressed a particular attachment to the Maghreb, both as a political entity and as a fertile piece of land. This did not alter the practical application of the law that he cited from Ibn al-‘Arabī and Ibn Rushd. But it did, perhaps, reflect a changing political circumstance, one in which Muslims had been driven off the Iberian Peninsula and in which Europeans were making

⁷⁹ Ibn al-‘Arabī, *Qānūn al-Ta’wīl*, 419, 451.

advances on the North African coast. In Wansharīsī geo-legal imagination, the Strait of Gibraltar no longer represented a passage from one part of *dār al-Islām* to another but a mark along the Muslim/Christian frontier. In this context, the political space of the Maghreb took on an affective dimension as a refuge for Muslims, one worth protecting. Each of these different moments unveiled a different conception of the links between religion and land. This process culminated in Wazzānī, who set out to detach the two.

Deterritorializing Religion: Wazzānī and Islam in the Colony

The entire discourses of Ibn al-‘Arabī, Ibn Rushd, and Wansharīsī proceeded on the assumption that the existence of *dar al-Islām* hinged on there being a Muslim ruler. Among the three, Ibn al-‘Arabī’s rulings showed the most concern for the proper practice of Islam; but at no point did he indicate that proper practice could proceed without the existence of a Muslim ruler. Indeed, for most jurists up to the modern period, the proper fulfilment of the “rites of Islam” was contingent upon the existence of a Muslim ruler in the land.⁸⁰ Wazzānī strenuously disagreed with Wansharīsī and the others on the matter. As Terem argues, Wazzānī was particularly concerned with Wansharīsī’s refusal to hear the testimony of Muslims living in non-Muslim territory.⁸¹ Thus, he referred to other Mālikī authorities to chip away at Wansharīsī’s dogmatic insistence that Muslims had to reside in *dār al-Islām*. Remarkably, he concluded by changing the very foundation on which *dār al-Islām* commonly rested:

⁸⁰ Baber Johansen, “Territorial Concepts in Islam.” *The Oxford International Encyclopedia of Legal History*. Editor: Stanley N. Katz. Oxford University Press, 2019. DUKE UNIVERSITY. 12 January 2018.

<<http://www.oxfordreference.com.proxy.lib.duke.edu/view/10.1093/acref/9780195134056.001.0001/acref-9780195134056-e-793?rskey=00R4hE&result=1>>

⁸¹ Terem, *Old Texts, New Practices*, 101.

This view is better than the response of the author of the *Mi'yār* [Wansharīsī] about the unlawfulness of the testimony of their witnesses and the illegality of the testimonial authentication issued by their judges under any circumstances, mentioned before, because of the opinion held by some scholars that *bilād al-Islām* does not become *dār al-ḥarb* at the very moment when the infidels capture it. Rather, with the rupture of Islamic rites [*sha'ā'ir al-Islām*] and as long as the Islamic rites or most of them continue, it does not become *dār al-ḥarb*. And God knows best.⁸²

When read in tandem, Wazzānī's fatwa about European protection and his one about residing in non-Muslim lands unfurled a novel theory about the relationship between Muslim rule, law, and territory. In the fatwa concerning Muslims seeking protection from non-Muslims, Wazzānī went to great lengths to strengthen the position of the Muslim ruler. As Terem points out, he gave no attention to whether the ruler was just or fit for office. Terem writes, "Indeed, his *fatwā* implies that the appropriate implementation of the law is not relevant. It appears that al-Wazzānī's aim in writing his *fatwā* was not only to prohibit the practice of *ḥimāya* but also to provide the doctrinal underpinnings for a Makhzan [Moroccan state] in need of legitimation."⁸³ This work in favor of the Muslim ruler seemed to run counter to his insistence on the primacy of rites that accorded with the law, in the second fatwa. The two can be reconciled if we appreciate the context in which he wrote. His effort in the first instance was to shore up the North African states against the slow erosion of their sovereignty under the protégé program. But in places where European colonial rule was already a *fait accompli*—like Tunis, where the judge in question had sought assistance from the British—al-Wazzānī rested the responsibility to avoid contact with the foreign rulers on the shoulders of individuals. Likewise, in a situation where a group of Muslims lived under Christian rule, like the Berbers that Wansharīsī was

⁸² Translated by Terem with minor changes: *Old Texts, New Practices*, 107; Wazzānī, *al-Mi'yār al-jadīd*, 3:35.

⁸³ Terem, *Old Texts, New Practices*, 109.

asked about, the duty to uphold Islamic rights rested with the community. In both instances, Wazzānī was attempting to open a space for Muslims to uphold their religious duties outside of an Islamic political context. Remarkably, then, even as French colonial officials were beginning to territorialize Moroccan Islam, Wazzānī was explicitly deterritorializing it.

Conclusion

This chapter has sought to demonstrate some of the ways that precolonial Maghrebi thinkers conceived of the space of the Maghreb in terms of its internal and external borders, as well as how it was conditioned by political and legal authority. The goal of this effort was to give the reader a sense of the variegated political histories and genealogies of thought that colonial and postcolonial Moroccans would draw on as they attempted to define independent Moroccan territorial sovereignty and expand it. Moroccan nationalist thinkers militated against French historiography and colonial practice that sowed seeds of difference between Moroccans. Recent scholarship on the colonial period has tended to agree with these nationalists that the French went too far in trying to isolate Morocco from other parts of the Muslim majority world and in dividing Moroccans along ethnic, religious, and territorial lines. This chapter has shown that the precolonial Maghreb was defined by territorial and religious arrangements that cannot be easily subsumed under colonial or nationalist historiographies.

Long histories of intra-Muslim activity on both sides of the western Mediterranean and the southerly movement of the Christian/Muslim frontier in the early modern period conditioned evolving relationships between Maghrebi empires, their populations, and conceptions of Islam. Abū Bakr ibn al-‘Arabī traveled through a *dār al-Islām* that was marked mostly by epistemic difference. Wansharīsī operated

in an era when the absence of Muslim rule in Andalusia caused him to theorize about the material affordances of the Maghreb. While certainly not congruent with “Moroccan Islam,” this shows a shifting awareness of the overlap of political space and religion. With the fall of Granada, The Far Maghreb took on a special Islamic significance. Wazzānī, by contrast, was faced with the realities of colonialism and the loss of Muslim rule even in the Maghreb. His response was to disembed Islam from the political context entirely, locating it instead in the practices of communities and individuals.

What is interesting about Wansharīṣī’s fatwa is that it accessed individual belief *via* community and ruler-centric understandings of religion. It is not the case that individual piety or belief was unrequired of the émigrés; instead, the *forum internum* was accessible only through examining an individuals’ commitment to the community. A concept of geographical space was a key determinate of one’s community affiliation and, hence, one’s degree of belief. Wazzānī challenged the geographical metric for understanding individuals’ internal piety. The encounter with Christian colonization powers caused him to locate piety or proper religiosity instead in the subject’s participation in the “Islamic rites.” Pietistic subjectivities were therefore increasingly independent of the political sphere. This change tracks with the way that scholars have described the rise of secularism and the “differentiation” of religion in Christian contexts.⁸⁴ This shows that as much as the deterritorialization and depoliticization of religion was a product of a long history of intra-Christian conflict—and, relatedly, the rise of secularism—it also occurred as part of a Muslim-Christian colonial encounter.

⁸⁴ José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994), 5, 20, 211.

Chapter Two

In the first decades of French colonial rule in Morocco, the ‘*alim* and Sufi leader ‘Abd al-Ḥayy al-Kattānī (d. 1962) composed a treatise on statecraft. He called it, *The System of Prophetic Government: Administrative Structures* [*Niẓām al-ḥukūma al-nabawīya al-musamma al-tarātīb al-idārīya*]. In it, he related the story of ‘Abd Allāh ibn Marwān, the son of the last Umayyad caliph, Marwān II (r. 744-750). In the Abbasid revolution, ‘Abd Allāh fled to Nubia, in northeastern Africa. He was eventually captured by the Abbasids and imprisoned. One evening, Abū Ja‘far al-Manṣūr (r. 754-775), the second Abbasid ruler, was discussing the failings of the Umayyads with his court. Someone mentioned that ‘Abd Allāh might be able to speak to the subject, so he was brought up from jail. According to Kattānī, this is what he said:

I fled, carrying with me fine carpets that I might use to ingratiate myself into the land of the Nubians. When I entered their country, I spread out these fine furnishings. The Nubians were so impressed by them that news reached their king. He came to me; but when he arrived, he sat on the ground [not on the rugs]. He said, “You lot drink wine even though [God] has forbade it to you.” I said, “Our slaves and followers do that; but it’s only out of ignorance.” He said, “Do you not wear brocade, silk, and gold even though He has forbidden it?” I said, “Royal authority [*al-mulk*] left us and our power was severed. So, we asked for assistance from foreigners. They wore these things even though we despise them and tried to dissuade them from it.” [The Nubian king] bowed his head and turned his hand over [in his lap]. He repeated [my] words to himself, “Our slaves and our followers adopted our religion.” Suddenly he looked up and said, “It isn’t as you say. You are the royal authority and you have been unjust. You neglected what He commanded and became dependent on what He forbade. So, God stripped you of power and clothed you in humiliation because of your misdeeds. Nor has God’s indignation with you run its course. I fear that this vengeance will continue to befall you while you are in my country and that it will affect me as well.” Then, he walked away from me.

Abū Ja‘far [al-Manṣūr] stood up, registering [‘Abd Allāh’s] tale. He uttered the words of the Highest, “When We decide to destroy a town, We command those corrupted by wealth [to reform], but they [persist in

their] disobedience; Our sentence is passed, and We destroy them utterly.”¹

With its prevailing and (potentially) competing themes of associating with non-Arab foreigners and maintaining religious rectitude, the story was obviously fertile ground for interpretation. Kattānī chose not to offer much in the way of explanation. Still, the historical and biographical contexts in which he wrote made his intent clear: this was a damning condemnation of the ‘Alawite rulers of Morocco.

Kattānī was the scion of what had been an important family in Morocco since at least the sixteenth century. Like other Moroccan Muslim scholars of his day, he took an active role in discussions about legitimate rule, religion, and colonialism in Morocco. Kattānī’s was but one position in an array of stances taken by the ‘*ulama*’ towards French, Spanish, and Moroccan rulers in the Protectorate period. The double-bind of colonialism was such that Kattānī’s position, like others, was tenuous, shifting, and seemingly contradictory. The French support of the monarchy and supposed investment in “traditional” Muslim rule at first made Kattānī’s disparagement of the monarchy and his anticolonialism align with one another. Later, he associated with al-Tahāmī al-Glāwī (d. 1956), the Pasha of Marrakesh, who colluded with the French against Moroccan nationalists and temporarily deposed King Muḥammad V and installed his distant relative, Muḥammad ibn ‘Arafa. By that time, Muḥammad V had been made into a symbol of anti-colonialism such that being opposed to nationalists made one *de facto* an ally of the French.

At the time of writing *The System of Prophetic Government*, this odd bed-fellows politics had yet to play out for Kattānī. Instead, his effort, like that of his contemporaries, was to theorize independent Muslim rule. Kattānī did so by

¹ Kattānī, ‘Abd al-Ḥayy, *Niẓām al-ḥukūma al-nabawīya al-musamma al-tarātīb al-idārīya*. 2 vols. (Beirut: Dār al-Arqam, 1996), 1:86. Qur’an 17:16, translation by M.A.S. Abdel Haleem.

reinvesting in a genre of political theorizing known as “*siyāsa shar‘īya*” (sharia politics), which reached its apogee in the medieval period with thinkers like Māwardī and Ibn Taymīya. As I will argue below, this adherence to genre often provided an opportunity for novel forms of political and religious theorizing. This chapter examines this discourse amongst Moroccan ‘*ulama*’, particularly as it gained steam in the 1930s. Territory, in this era, was a persistent problem that conditioned the work of Moroccan scholars who reached for premodern Muslim theories of rule to theorize independent Moroccan territorial sovereignty. My analysis in this chapter pays special attention to the shifting relationship between Islam and territorialization. It offers a typology of ways that ‘*ulama*’ in the colonial period conceived of territory in relation to Islam and sovereignty: some scholars, like Kattānī, employed an amorphous notion of premodern Muslim territorial unity as a tool to critique colonial territorialization. I dub this mode, which is epitomized by Kattānī, “virtual,” meaning that he relied on a non-actual conception of territory to critique the present territorial situation. A scholar who would associate with Kattānī in the temporary ouster of Muḥammad V, Muḥammad ibn al-Ḥassan al- Ḥajwī, took a different tact. Ḥajwī worked as a minister in the colonial administration. He largely accepted the protectorate and saw the French as actualizing theories of space that made Muslim flourishing possible. Ḥajwī is the emblem of a “pragmatic” approach to territory. Other scholars, represented in this chapter most prominently by Muḥammad al-Mukhtār al-Susī, invested in geographically bounded lineages of Muslim learning as a way to theorize a series of regions that unified to create the Moroccan nation-state. His is the “regional” approach. Finally, thinkers like ‘Allāl al-Fāsī began to recall Moroccan imperial grandeur as a way to think of the Moroccan state conditioned by Islam.

All of these thinkers developed methods designed to rescue a broken and damaged Moroccan-Islamic sovereignty. Beneath their complex and sometimes optimistic programs for the resuscitation of Muslim political theology in Morocco, there simmered the rage of dispossession. In devising a way for the imperium to exist within the nation, Fāsī was seeking a way to both incorporate and transcend the nation-state form. His approach would have lasting impact on the territory of Morocco.

Kattānī: Virtual Muslim Unity Against the Nation

The twentieth century brought a change in fortunes for the Kattānī family. Renowned as descendants of the Prophet Muḥammad and as scholars and Sufī leaders, they had held the reins of power in Fez and surrounding areas since the sixteenth century. On the eve of French colonialism, they became vocal critics of Sultan ‘Abd al-‘Azīz for his involvement with European powers. ‘Abd al-Ḥayy composed a tract, “A Highly Skilled Parody of the Esteemed Director of al-Sa‘āda Newspaper [*Mufākahat dhū al-nubl wa al-ijāda ḥaḍrat mudīr jarīda al-Sa‘āda*],” in support of ‘Abd al-‘Azīz’s ouster and in favor of the Sultan’s brother, ‘Abd al-Ḥafīz.² Along with other influential ‘*ulama*’ from across Morocco, the Kattānīs were successful in the replacement of ‘Abd al-‘Azīz. They were dismayed and furious, then, when Sultan ‘Abd al-Ḥafīz took the same path of flirtation and deal making with the French. Muḥammad ibn ‘Abd al-Kabīr al-Kattānī (d. 1909), ‘Abd al-Ḥayy’s brother, let this fury be known. With rumors of the Sultan’s vengeance coming, he tried to flee Fez in 1909. He was apprehended and dragged back to the city. His beard was shaved; and he was paraded through the streets, along with members of his

² See: Sahar Bazzaz, “Printing and the Ṭarīqa Kattāniyya: ‘Abd al-Ḥayy al-Kattānī’s *Mufākahat dhū l-nubl wa-l-ijāda ḥaḍrat mudīr jarīdat al-Sa‘āda*,” in *Sufism, Literary Production, and Printing in the Nineteenth Century*, ed. Rachida Chih, Catherine Mayeur-Jaouen, Rüdiger Seesemann (Würzburg : Ergon Verlag, 2015): 437-52

family and disciples. Later, word went out that Muḥammad died in captivity, reportedly as the result of a whipping delivered by the Sultan himself. For the people of Fez, it was an almost unimaginable tragedy to see such a notable figure—a *sharīf*, no less—suffer this way.³

It was with this tragedy fresh in his mind that ‘Abd al-Ḥayy al-Kattānī wrote of the pitiful story of the disgraced Umayyad’s trip to Nubia, quoted above. He related the story in the context of explaining the difference between kings and caliphs. Rather than offering his own interpretation of the story, he referenced exegeses by other authors who had transmitted the tale, not just *The Methodology of Egyptians Minds with Regard to the Marvels of Modern Literature* [*Kitāb manāhij al-albāb al-Miṣrī fī mabāhij al-ādāb al-‘aṣrīya*] by the modernist Rifā‘a Ṭaḥṭāwī (d. 1873);⁴ but also the towering works of Muslim geo-history, the *Prolegomena* [*al-Muqaddima*] of Ibn Khaldūn⁵ and *The Meadows of Gold and Mines of Gems* [*Murūj al-dhahab wa-mayādin al-jawhar*] by Abū al-Ḥasan Mas‘ūdī (d. 856).⁶ Ibn Khaldūn, for example, argued that the story demonstrated the perils of leaving behind the “restraining influence of religion [*wāzi ‘ al-dīn*]” in favor of worldly pursuits.⁷ This comes across as the minimum point of all versions of the story: abandonment of the dictates of Islam leads to disaster. While Kattānī seemed to want his references to Ibn Khaldūn and the others to do the interpretive work for him, he had an additional moral in mind. He conveyed this not through exegesis but by subtly altering the tale itself. Kattānī’s

³ Bazzaz, *Forgotten Saints*, 1-3

⁴ Rifā‘a Ṭaḥṭāwī, *Al-a ‘māl al-kāmilah li-Rifā ‘a Rāfi ‘ Al-Ṭaḥṭāwī* (Beirut: al-Mu’assasa al-‘Arabīyah lil-Dirāsāt wa-al-Nashr, 1973), 566-7

⁵ ‘Abd al-Raḥmān ibn Khaldūn, *al-Muqaddima Ibn Khaldūn*, 1:387-8

⁶ Abū al-Ḥasan Mas‘ūdī, *Murūj Al-Dhahab Wa-Ma ‘ādin Al-Jawhar*. 4 vols. Beirut: Dār al-Ma‘rifā, 2005), 3:236-7

⁷ Ibn Khaldūn, *al-Muqaddima*, 1:388

version (which is similar to Ṭaḥṭāwī's) can be compared with that of Mas'ūdī and Ibn Khaldūn.

In Mas'ūdī and Ibn Khaldūn's versions, 'Abd Allāh claimed that the perversions of the faith were carried out by non-Arabs and "slaves and followers" who had converted to Islam;⁸ but the King objected, saying that responsibility rested with the rulers, regardless of who their subjects were. For Mas'ūdī and Ibn Khaldūn, then, the moral of the story was wholly delivered by the Nubian King, who argued that the Umayyads were not merely guilty by association with impious converts, as 'Abd Allāh wanted to claim. They were guilty simply for abandoning the precepts of Islam. Kattānī, by contrast, left the account of the *conversion* of impious non-Arabs out of 'Abd Allāh's narrative (though he did put it in the mouth of the Nubian king when he repeated 'Abd Allāh's words to himself). Deemphasizing the conversion of foreigners into the faith, even slightly, changed the thrust of the story. By downplaying conversion and, hence, focusing on association with non-Muslims, Kattānī was obliquely referencing the 'Alawite association with the French. In so doing, he moved the story from being primarily about the rulers' duty to uphold the religion amongst their followers, regardless of who those followers were, to being about the inherent problems of associating with non-Muslim foreigners. In other words, Kattānī gave some credence to 'Abd Allāh's answers to the Nubian king: forming relationships with foreigners and (Kattānī implicitly added) non-Muslims was a danger. That Kattānī intended this story to be a critique of the Alawites is further underscored by its placement in *The System of Prophetic Government*.

This story came near the end of Kattānī's discourse on the caliphate, the bulk of which was not a normative account of the qualifications and duties of caliphs.

⁸ Mas'ūdī, Mas'ūdī, *Murūj Al-Dhahab*, 3:237; Ibn Khaldūn, *al-Muqaddima*, 1:388

Rather, Kattānī's discourse on the caliph was an argument that proper and singular Muslim rule had been situated in the Maghreb from a very early point in Islamic history. Kattānī narrated the story of the caliphate diachronically. Echoing the nineteenth century Moroccan chronicler, Salāwī, who we encountered in the first chapter, Kattānī allowed historiography to work as political theory. He went so far as to attribute the caliphal title Commander of the Faithful (*Amīr al-mu'minīn*) to the founder of the Almoravid dynasty, Yūsuf ibn Tashfīn, even though Ibn Tashfīn seems to have retained only the title Commander of the Muslims (*Amīr al-muslimīn*) in deference to the Abbasids. Yet, Kattānī stopped short of attributing the title of Commander of the Faithful to the 'Alawis, who actually had claimed it for themselves. By telling the tale of the Umayyad prince in Nubia where one might have expected to find an account of the 'Alawi caliphate, Kattānī indicated that the 'Alawis had forfeited divinely sanctioned rule just like the Umayyads had.

Kattānī's was a scholarly reformism, one that retained but distilled and recombined the towering thinkers of Muslim political thought. He invested in the genre of *siyāsa shar'īya* as a means to counter 'Alawite rule in a time-tested idiom. As its title would indicate, *The System of Prophetic Government* made a plea to return to the Prophet Muhammad's example of rulership. Kattānī wrote:

Those concerned with recording Arab civilization and the structures the Caliphs used to administer the Islamic kingdom and those who remember the tasks of the Commanders of Islam [*umarā' al-Islām*] in the era of the Umayyad State and the Abbasid Caliphate [...] forgot [to record] those activities in the era of the Messenger of God, peace and blessings upon him. At the very foundation of his True Religion, the Prophet Muhammad combined religious and worldly politics [*siyāsa al-dīn wa al-dunyā*], mixing these two powers, such that they could almost be covered by a single name, "religion."⁹

⁹ Kattānī, *Nizām al-hakūma*, 1:11.

Kattānī promoted reform through remembering. His mention of an effort to recall or remember the system of Islamic government in the above quotation resonates with the way that the scholar of Islam, Mona Hassan, underscores the importance of memory and longing in the face of the lost caliphate.¹⁰ She connects the grief at the loss of the Abbasid and Ottoman caliphates to geography, or rather to its inverse: “The traumatic disappearance of the Abbasid and Ottoman caliphates in 1258 and 1924 generated an outpouring of emotion far beyond the territorial boundaries of imperial domains and illustrates the limitations of conventional political and historiographical boundaries in investigating such phenomena.”¹¹ Hassan’s unearthing of the emotional artifacts that filled the void left by these two caliphates, which were so greatly separated by time and space, is both a methodological and conceptual challenge to Islamic political geography and historiography. She finds emotional resonances that connect radically different places and times, evoking a form of Muslim unity in excess of the political. Kattānī’s work was published in the wake of the dissolution of the Ottoman caliphate; but it did not explicitly mourn its passing. Gone was the soaring lament found in the post-Abbasid poems that Hassan analyzes as well as their, “subtle critique of transitory power.”¹² Kattānī’s *System of Prophetic Government* was ostensibly political in the pragmatic sense of the term—a manual for advancing a project of government. Given this, it seemed to demonstrate a certain naiveté or willful ignorance of the political realities of the day. For, would not the program to install a system of Prophetic government have had to begin with an acknowledgement of the intractable situation of colonialism?

¹⁰ Mona Hassan, *Longing for the Lost Caliphate: A Transregional History* (Princeton, NJ: Princeton University Press 2016).

¹¹ Hassan, *Longing for the Lost Caliphate*, 2.

¹² *Ibid.*, 36.

Despite its use of history as political theory, *The System of Prophetic Government* was a book whose primarily temporal focus was the future. The mention of memory, or the effort to record the caliphal system, calls to mind Henri Bergson's philosophy of memory and matter. Active in roughly the same period as Kattānī, Bergson developed an ontology that responded to the Darwinian revolution by situating a novel theory of how life emerged from matter and how matter and life intersected and diverged to create ever more complex arrangements into the future.¹³ Important for our purposes is his understanding of memory. Memory, for Bergson, was that which allowed the past to persist in the present. By this he did not mean simply that the past existed as recollections in the minds of people by virtue of human psychology. Rather, as the French philosopher, Gilles Deleuze, says of Bergson's understanding of memory, "[The] past survives in itself [...] The past does not have to survive psychologically, nor physiologically in our brains, because it has not ceased to be, it has only ceased to be useful—it is; it survives in itself."¹⁴ The past, for Bergson, coexisted with the present in what he referred to as "duration." The Bergsonian concept of duration resonates with what Kattānī's theory of prophetic government and prophecy more generally.

Kattānī's insistence that the systems and offices of caliphal government were already present in the government of the Prophet Muḥammad did not mean that he thought the intervening developments were unimportant. His aim was not only to recall what the politics of the Prophet Muḥammad himself or even just that of the four Rightly Guarded Caliphs, as many later Salifis would advocate. Instead, he

¹³ Deleuze writes, "In a different way than Freud, though just as profound, Bergson saw that memory was a function of the future, that memory and will were the same function, that only a being capable of memory could turn away from its past, free itself from the past, not repeat it, and do something new." Gilles Deleuze, *Desert Islands and Other Texts, 1953-1974*, ed. David Lapoujade, trans. Michael Taormina. (Los Angeles, CA: Semiotext(e) 2004), 45.

¹⁴ *Ibid.*, 29.

understood the prophetic system of government to have been elaborated and elongated by the genealogy of Muslim rulers and thinkers acting in the period following the death of the Prophet. As we have already seen, he traced the caliphate as it developed through these first four leaders, through the Umayyads, the Abbasids, and westward to the rulers of the medieval Maghreb. As with Bergson's duration, Kattānī understood the prophetic government to have unfolded through this lineage of caliphs.¹⁵ Prophetic government existed within the later caliphates, the past coexisting with the present.

And yet, the question remains: why did his history-as-political theory suddenly stop short? We have noted the implicit critique of the 'Alawis implied by their exclusion from Kattānī's analysis of the caliphate. But why was so little made of European colonialism? Why refusal to acknowledge to the shape of colonial politics in the twentieth century Maghreb? One way to characterize Kattani's politics, which is not native to his text but which may nonetheless be illuminating, is to say that his were a virtual politics. The territory of *The System of Prophetic Government* was a virtual territory. Drawing again on Bergson and his interpreters Deleuze and the feminist philosopher, Elizabeth Grosz, I understand the virtual to refer both to the incorporeal and to virtues. The primary point of the virtual as used by Bergson, Deleuze, and Grosz is to introduce and maintain the concepts of difference and multiplicity.¹⁶ The virtual, by contrast, is not unreal.¹⁷ Rather, it is part of duration. It

¹⁵ Kattānī, *Nizām al-ḥakūma*, 1:19.

¹⁶ The virtual stages a critique of Kantian metaphysics wherein the possible is a *post hoc* backprojection of the real. In this frame, there is identity between a real object and its transcendental condition of possibility. This means that the possible is "less than" the real, in the sense that it is he real minus its concrete reality cite 'less than' then this, "We start from a "virtual state" which we lead onwards, step-by-step, through a series of different planes of consciousness, up to the goal where it is materialized in an actual perception; that is to say, up to the point where it becomes a present, active state - up to that extreme plane of our consciousness against which our body stands out. In this virtual state, pure memory consists. Henri Bergson, *Matter and Memory*, trans. Nancy Margaret Paul and W. Scott Palmer (New York: Zone Books, 1988).

¹⁷ Deleuze writes, "We must understand that the virtual is not something actual but is for that

is a surfeit, or an excess, which is different from but nonetheless grounds the actual. Grosz makes of this Bergsonian and Deleuzian philosophy a radical feminist politics.

What Kattānī's work shows is that a sense of the multiplicity of the virtual can be invoked in support of a conservative or traditionalist politics as well. By insisting on prophetic government as it unfolds through successive caliphates, Kattānī was searching for a ground for a newly actualized politics. Rather than a simple "return" to the politics of a bygone era, Kattānī indicated the desire for politics that continued to "progress;"¹⁸ but without reference to non-Muslim others. What was presented as a manual in the idiom of Māwardī's *The Ordinances of Government*, became, instead, a philosophy of memory and a plea for its differential actualization. In this way, Kattānī, like the memorializers analyzed by Hassan, implicitly challenged the political and geographical borders that would seem to have conditioned the realities of colonial Morocco. His geographical references were those of medieval Muslim geographers and chroniclers. In other words, what might be viewed as an unwillingness to confront the realities of the political moment was, in fact, an effort to realize what Kattānī termed prophetic government.

In establishing the importance of the Prophet Muḥammad for understanding Muslim governance, Kattānī focused on the relationship between two words which are most frequently translated as "the world" (*al-dunyā*) and "religion" (*al-dīn*). The catachresis, semantic drift, and attempt to control the meanings of these words (and the perils inherent in translating) them are, in some ways, the subjects of this

no less a mode of being, and is, moreover, in a way, being itself; neither duration, nor life, nor movement is actual, but that in which all actuality, all reality is distinguished and comprehended and takes root." Deleuze, *Desert Islands*, 28.

¹⁸ Kattānī, *Niẓām al-ḥakūma*, 1:19.

dissertation.¹⁹ Nearly all the Moroccan thinkers considered here believed that these two concepts should retain an interdependent relationship. But they differed in their understandings of how that relationship came into being, how it ought to be sustained, and by what standard its success should be judged. How these thinkers understood the relationship between these words is telling of their theo-political orientation. For Kattānī, the system of prophetic government represented a subsumption of worldly concerns into salvational ones. The prophetic impulse, which traveled through the successive caliphates, was precisely the will to make worldly concerns subservient to Islam. Importantly, the success of prophetic government was judged from a theological perspective. This is why Kattānī ended his section on the caliphate with the story of the Nubian king, who argued that, even though the Umayyads were succeeding by worldly measures, it was their abandonment of religion that led to their demise. By ending this section with a return to early Islamic history, rather than with an explicit condemnation of the ‘Alawis or with a treatment of the contemporaneous colonial situation, Kattānī left the door open for a return to religion in the future. But Kattānī’s method of combining religion and worldly politics was not the only one of the era.

Ḥajwī: The Actualization of a Protected Nation

One thinker who joined with Kattānī in opposing the nationalists and supporting the Glāwī-led deposal of King Muḥammad V, was Muḥammad ibn al-Ḥassan al-Ḥajwī (d. 1956). A Qarawīyyīn trained, ‘*alim*, polymath, and Minister of Education under the French Protectorate, Ḥajwī was an intellect of enormous talent, whose work deserves significantly more scholarly inquiry.²⁰ His support of the

¹⁹ Moosa has helpfully noted that *al-dīn* refers more properly to “salvation acts,” a translation that deemphasizes belief as the primary mode of engaging with the divine and puts a focus instead on the imperative to move one’s body in prescribed ways as a means of worship.

²⁰ The scholar of Moroccan history, Ety Terem, is currently researching a book on Ḥajwī.

deposal of Muḥammad V landed him on the wrong side of Moroccan nationalist history and caused the state to seize his library and manuscripts, which are now housed at the National Library in Rabat—a personal tragedy turned public boon.²¹

Covering topics ranging from hadith and the history of Islamic law to geometry, economics, and geography, Ḥajwī’s corpus is the lasting trace of a scholar of omnivorous tastes for knowledge and a commitment to an intellectual project that he termed “reform” (*iṣlāḥ*).

Like Kattānī, Ḥajwī considered there to be necessarily a link between religion and worldly politics. In what is perhaps his most famous quote, he wrote that “religion is the brakes on the car of the world.”²² His analogy to the relatively new invention of the car itself illustrates Ḥajwī’s modernism. He looked ahead to advances in scientific knowledge but advocated for the restraining moralism of Islam. At first blush, it would appear that Ḥajwī advocated for a very similar relationship between religion and world to that advanced by Kattānī. But it becomes clear that Ḥajwī had both a different account of the genesis of this relationship and a different way of measuring its success. This can be seen in Ḥajwī’s most famous work, *The Height of Thought in the History of Islamic Legal Norms (al-Fikr al-sāmī fī tārikh al-fiqh al-Islāmī)*, which is a remarkable attempt to understand Islamic legal thought historically. It represents an important merger of the synchronic epistemology that informs the *faqīh*’s jurisprudence and the diachronic episteme of modern historiography. Toward the beginning of the work, Ḥajwī asked whether *fiqh* ought to

²¹ As it turns out, however, all of Ḥajwī’s manuscripts in the library’s catalogue are not publicly available. I was frustrated in my attempt to get a copy of a manuscript in which Ḥajwī discussing the Morocco-Algeria border. The director of the manuscripts division of the library cited undefined political reasons.

²² Muḥammad ibn al-Ḥasan al-Ḥajwī, *Al-Ta’āḍud al-matīn bayna al-‘aql wa al-‘ilm wa al-dīn*. (Casablanca: Markaz al-Turāth al-Thaqāfī al-Maghribī, 2005), 41.

be considered a religious or a worldly science. To answer he relied, in part, on a lengthy quote by the eleventh-twelfth century master, Ghazālī. As quoted by Ḥajwī, Ghazālī wrote:

If someone asks why I have classified *fiqh* as a worldly science and grouped the *fuqahā'* with the worldly scholars, he should know that God pulled Adam from the earth and his offspring are made of clay and gushing water. God brought [humans] forth from loins to womb, then pulled them into the world [*dunyā*], and, next, to the grave. From there they are judged and go either to heaven or hell. That is their beginning and their end. That is their station. Furthermore, [God] created the world such that they might get from it suitable supplies. If they acquired supplies by just means, arguments between them would have ceased; and the *fuqahā'* would have grown idle. But greed guided their provisioning and quarrels ensued, which led to the need for power [*sulṭān*] to regulate them. That power [*sulṭān*] needed a law with which to govern them. The *faqīh* is knowledgeable in this political law [*qānūn al-siyāsa*] and the ways to mediate between people if they gather provisions with unbridled greed. The *faqīh* is thus the teacher of the sultan and his guide in the proper method of governing the people. Through their restraining influence worldly affairs are put into good order.

No doubt, [*fiqh*] is also connected to religion²³ but not in itself, rather as an intermediary. For, this world is a farm [*mazra'a*] for the Hereafter. Religion cannot be fulfilled except by way of the world. Further, the supreme authority [*al-mulk*] and religion are twins. Religion is the base and worldly power is the guard. That which has no base will crumble and what is without a guard will be lost. Authority [*al-mulk*] and control [*al-dabṭ*] cannot be accomplished without power [*sulṭān*].²⁴

Ghazālī's account of the law was phylogenetic. Employing a method not dissimilar from what would be heard from the early modern British philosophers, John Locke and David Hume, several centuries later, Ghazālī imagined a complex inter-development of human political and legal life out of the exigencies of worldly materials and human psychology. Humans too were a part of the materiality of this

²³ The author or editor of *The Height of Thought in the History of Islamic Legal Norms* misquotes Ghazālī by writing “the world [*al-dunyā*]” rather than “religion [*dīn*]” here. I have corrected this to reflect Ghazālī's text.

²⁴ Muḥammad ibn al-Ḥasan al-Ḥajwī, *Al-Fikr al-sāmī fī tārikh al-fiqh al-Islāmī*. 2 vols., ed. Ayman Ṣāliḥ Sha'bān (Beirut: Dār al-Kutub al-‘Ilmīya, 1995), 1:62; Abū Ḥāmid al-Ghazālī, *Ihyā' ‘ulūm al-dīn*, 16 vols. (Cairo: Dār al-Sha'b, n.d.), 1:30.

world, a fact that Ghazālī underscored by reminding us of the “earth [*al-turāb*]” with which God made Adam and the mixture of clay [*al-ḥīn*] and water, running through wombs, from which He made the children of Adam. As Moosa writes of Ghazālī’s homology between the “body-politic” and the “body-natural,” “Our theomorphic nature goes back to the genesis narrative of Adam; all humans are delegated representatives of the absolute sovereign (*khalīfat Allāh*).”²⁵

It should not, of course, be thought that by “worldly,” Ghazālī had in mind the secular, meaning the attempt by states to create and control a barrier between religious and non-religious spheres. Instead, “worldly” referred to the durable materiality of this world. Ghazālī understood *fiqh* to have been a worldly discipline because it regulated the distribution of material goods. But he connected the world and religion through an enigmatic expression that occurs repeatedly throughout his corpus, “The world is the farm of the Hereafter.” In the context that we are considering here, it becomes clear that this was more than a metaphor for Ghazālī. He meant, most obviously, that the fruits of our ethical labor in this world would be harvested in the next. But his emphasis on the legal norms that legislated the apportioning of goods shows that otherworldly rewards would be reaped only if actual fruits and other products of the earth had been adequately sown, harvested, and apportioned in this world. The earth was a literal farm, as well as a metaphorical one.

Ḥajwī quoted and echoed Ghazālī; but he shifted the relationship between religion and worldly politics even further towards pragmatism in the face of

²⁵ Ebrahim Moosa, *Ghazālī and the Poetics of Imagination* (Chapel Hill: University of North Carolina Press, 2005), 216. Moosa’s comments on Ghazālī’s writings of the ethics of responsibility are more useful still for understanding *fiqh* as a worldly discipline. Moosa writes, “If governance of the body-politics and the body-natural are constructed as the two sides of the ethical coin, then sovereignty and autonomy, or responsibility, are the two necessary outcomes, respectively. A ruler’s sovereignty increases with effective governance, just as the responsibility of the individual subject increases when bodily desires and appetites are placed under the governance of reason. Ibid.

anthropological pessimism. The success of the merger of religion and the world could be measured according to worldly standards. In an autobiographical note, Ḥajwī wrote:

If a human does not have religion in this world, the outcome will be dire, just as there are dire consequences for the rest of animals. If there is no religion he will be ruled by the desire that reigns over animals, materials, and plants, which causes some to have mastery over others [...] The ascent of the human species is due to religions and their founders. Without religions and their Messengers, upon them be peace, what would put the human on the path of progress? Except for [religion], he would be a fierce beast, corrupted by evil.²⁶

For Ghazālī, a relationship between religion and the world was necessary from the perspective of religion. In other words, his was a deontological argument for religious practice. Ḥajwī, by contrast, argued for the ontological necessity of religion. He trumpeted human mastery over the rest of creation, imbuing this anthropocentrism with a quasi-Darwinian notion of progress, in which humans continued to ascend beyond plants and animals through history. Religion was the mechanism of this ascent. The proof of religion's efficacy was in human flourishing in the world, rather than Ghazālī's notion that the world was a staging-ground for religious practice. We now turn to how this perspective manifest in Ḥajwī's practical politics.

Ḥajwī made creative use of Ghazālī; but his most obvious difference from the medieval thinker lay in the fact that he was interested in the project of nation-building and of adapting Islam and *fiqh* to the national context. Thus, he spoke of the nationalization of religion.²⁷ He drafted several fatwas that made legal reform in the name of national political economy, including a fatwa allowing the education of girls

²⁶ Saʿīd Binsaʿīd ʿAlawī, *Al-Fikr al-iṣlāhī fī al-Maghrib al-muʿāṣir: Muḥammad Ibn Al-Ḥasan Al-Ḥajwī: dirāsah wa al-nuṣūṣ* (Beirut: Dār al-Madār al-Islāmī, 2007), 57. One is reminded here of Derrida's work on the human/non-human relationship in *The Beast and the Sovereign*. Ḥajwī ascribes beastly qualities to non-human animals, including the domination of some by others. But, in the same breath, he justifies human dominion. Derrida argues that the idea of the sovereign is dependent on and inseparable from the concept of the beast. See: Jacques Derrida, *The Beast and the Sovereign*.

²⁷ On the nationalization of *fiqh* see: Ḥajwī, *al-Fikr al-sāmī*, 2:192.

and one permitting the sale of goods with a guarantee. Underlying this sense of how *fiqh* could work within the nation-state was a very different conception of the earth itself from that held by Ghazālī.

What did Ghazālī mean when he spoke of the world? He wrote of three categories of human activity (*a 'māl al-ādamiya*) in relation to world. First were, “foundations without which the world cannot stand [*uṣūl lā qawām al- 'ālim dūnaha*],”²⁸ which included agriculture, weaving, building, and politics. Second, he spoke of activities that were used in “preparation for these crafts and which serve them all [*muhayyi 'a likul wāhida min hadha al-ṣanā 'āt wa khādama liha*],”²⁹ as, for example, ironworking was necessary to make farm and weaving tools. Finally, came activities that were “auxiliary and ornamental” to one of the first four activities, as bread making was specifically related to agriculture.³⁰ Employing a metaphor common to premodern Near Eastern thought, Ghazālī described the relationships between these kinds of actives like the relationships between parts of the body. While all the activities were organically related, the first category was the most important; and, within the first four activities, politics reigned supreme.³¹

To get a deeper sense of how Ghazālī and Ḥajwī differed, it is illuminating to contrast them with a third thinker of geopolitics, the German philosopher, Hannah Arendt. Arendt arranged the three aspects of what she called *vita activa*—labor, work, and action—according to the conditions humans were born into: biological processes, “worldliness,” and human plurality. Each aspect of *vita activa* addressed one of these conditions: Labor related to the production of temporary consumables that sustained biological life, work to the construction of durables that made the world habitable,

²⁸ Ghazālī, *Ihyā' 'ulūm Al-Dīn*, 1:22.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

and action to the relationships between people “without the intermediary of things or matter.”³² Action was therefore the most relevant of the three to political life and contained within it the possibility for change.³³ Both were defined by their durability. Of the connection between the world and work, Arendt wrote, “Viewed as part of the world, the products of work [...] guarantee the permanence and durability without which a world would not be possible at all.”³⁴ The sultanic power, as it appeared in Ghazālī, was akin to this function of work: it made a habitable world, the *dār al-islām*, out of the earth, *al-ard*. However, important nuances distinguished the theory advanced by Ghazālī from Arendt’s conception of work. Ghazālī’s discussion of interconnected activities of communal life indicates a different sensibility about the goal of that life. For Arendt, it was only after biological needs had been met and a durable world created that newness—or, in her vocabulary, “natality”—could occur. Ghazālī was less invested in understanding the conditions for change. He understood stability to be the ultimate aim of human activity. His three types of activities were a form of structural functionalism; they interlocked to promote a homeostatic system.

Ḥajwī, like Arendt, held out the possibility for dynamic social change. For Ḥajwī, the nation had a precise and physical meaning. In fact, amongst the scholars considered here, Ḥajwī was the only one who directly engaged in border negotiations. In the pre-protectorate years Ḥajwī acted as a diplomat for King ‘Abd al-Azīz. Later, he would again be party to a border negotiation, this time as part of a delegation of Moroccans who traveled to France in celebration of that country’s incorporation of the Alsace-Lorraine territory in 1918. The Moroccan delegation was granted an audience with the prime minister of France; and, as Ḥajwī recounts in his published

³² Ibid., 1:7.

³³ Work had a strong resonance with the world-making function of *nomos*, described by Schmitt.

³⁴ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), 94.

diary of the trip, *Journey to Europe* [*al-Riḥlah al-Ūrūbbīyah*], a member of the party requested that the prime minister help to return Tangier to Moroccan control.

Ḥajwī's understanding of the French occupation was full of pathos. He wrote about it with the depth of psychological and somatic knowledge that would come to define some of the most powerful postcolonial theories of the colonial. Why, then, did he go to work for the French colonial administration and why, later, did he oppose the nationalists? The answer, to the extent that one can be found, is in Ḥajwī's understanding of the term "protectorate [*al-ḥimāya*]." For Ḥajwī, the protectorate referred to the durable materiality of Morocco, its economic flourishing and human "progress." Morocco for Ḥajwī was a political reality worth defending. It might be argued that it was with excessive optimism that Ḥajwī accepted the Treaty of Fez, which established the protectorate, to, "safeguard the religious status, the respect and traditional prestige of the Sultan, the exercise of the Mohammedan religion and of all religious institutions, in particular those of the Habus."³⁵ The Treaty of Fez conjured an independent religious sector, which it then claimed to safeguard. But the unfolding of the colonial experience in Morocco—including, most notably, the famous Berber Degree of 1930—attests to the authorities' exploitation of the ambiguity in the term "religion," and their constant questioning and use of that ambiguity as a tool of sovereignty. Ḥajwī's reading of the Protectorate held that the French were engaged in shoring up Morocco's economic sphere, while keeping a safe distance from religion in the country. To an extent, he accepted that a firm barrier could be erected between religion and the secular, which would allow the French to operate on one side but not the other. A major methodological trend within contemporary Islamic studies would

³⁵ Indeed, the phrasing here calls to mind Hussein Agrama's influential account of the "questioning power" of secularism, by which authorities generate the question of a line between religion and politics in their attempts to locate that line. Agrama, *Questioning Secularism*, 29.

seize upon this facet of Ḥajwī's thinking as proof of his ultimate capitulation to colonial epistemologies and his abandonment of Islamic tradition, which is held to have made no such distinctions. In fact, Ḥajwī was not wholly consistent on this point. It would be all too easy to argue that he had unthinkingly been deluded into accepting French colonial secularism, without recourse to his own reflection on the subject. His use of Ghazālī shows that he attempted to find a warrant for his architectonics of religion, politics, and economy in premodern Islamic thought. He went further still.³⁶

Ḥajwī posited a heuristic split between worldly and salvational knowledges; but he understood a complex interrelationship between them. At times, this relationship was mechanistic, as in his car metaphor. Other times, it might be appropriate to apply the concept of homology from evolutionary biology.³⁷ His most illustrative account of the links between religious and worldly knowledges called attention to their practical coexistence. A key part of Ḥajwī's thought was his insistence on the importance of economic development. While he understood the French to be engaged in a protective act of economic reform in Morocco, he also understood trade to have been crucial to the flourishing of Islam in the past and its future reform. It was in the trading of goods that ideas cross-pollinated and Islam developed. Ḥajwī understood this process by reference to space and movement. He wrote:

It is a plain fact that salons in Europe led to the development of ideas amongst [the Europeans]. Salons are the foundation of the development of ideas in all cultures [*al-umam*], coming even before schools. [Such forums] are, in fact, the seeds for schools. The nighttime conversations and lectures that took place in those salons caused Europe to overflow with knowledge, such that the scientific movement was generalized across all the social classes. What has been the power of ignorance in

³⁶ On Ḥajwī's nationalist argument for girls' education see: *al-Fikr al-sāmī*, 2:32-3.

³⁷ Quoted in: 'Alawī, *Al-Fikr al-iṣlāhī*, 44.

Islamic countries other than the cutting of the ties between the classes of the Islamic community? A learned man cannot meet an ignorant one except in the roadway. And the roads of Morocco are narrow, too narrow for there to be any possibility of mutual understanding or any provocation of new perspectives. In the quieter corners of Fez, one can find natural salons: in the boarding houses of traders, in the shops of the open-air markets. Even in their narrowness, from each—boarding house or market—there emerges a situation in which the highborn can meet with the low and the knowledgeable greet the ignorant. [...] Thus, you will find that the trading class is especially knowledgeable in geography, politics, history, and other subjects, due to their travels to Europe, the East, and America [...] Where ever you find the trader, that location is always transformed into a forum for the discussion of literature and politics.³⁸

In this insightful paragraph, Ḥajwī focused on how space shaped knowledge production. He began by referencing Europe. He used the concept of the salon to model a democratic ideal of space. While the historical European salon did not perform the egalitarian function Ḥajwī ascribed to it,³⁹ he used the concept as a rhetorical standard by which to judge the spaces of knowledge in contemporary Islamic countries. The forums that Ḥajwī imagined were more like Michael Warner’s heterogeneous publics than to Habermas’s homogeneous spaces, in which a cultured elite use reason to shape public opinion.⁴⁰ In Ḥajwī’s imaginary, the public should rightly be a site of cross-fertilization between different segments of society.

Ḥajwī’s references to prototypical spaces of Moroccan urban, cultural “heritage,”—the open-air market and the traders’ lodge (both of which were turned into “living museums” by the French)—shows his investment in what the anthropologist, Paul Rabinow, refers to as techno-cosmopolitanism, or the over-coding of “existent institutions and spaces [...] that were seen to embody a healthy sedimentation of historical practices” with modernist standards of urbanism. Through

³⁸ Quoted in: ‘Alawī, *Al-Fikr al-iṣlāhī*, 16.

³⁹ On the class dimensions of European salons see: Jürgen Habermas. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (Cambridge, MA: MIT Press, 1989).

⁴⁰ See: Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2005).

this process, spaces were meant to reflect both local histories and global norms.⁴¹ This was the very same mode of urbanism that defined France's early colonial project in Morocco. Indeed, one can hear, in Ḥajwī's decrial of the narrowness of Fez's city streets, the colonist's plea for broad boulevards and modernist expanses. We might wonder why Ḥajwī did not mention the mosque, the most notable site of intercultural and inter-class exchange in the history of Islam. A generous reading would allow that his focus on traders simply limited his account to spaces that they claimed as their own. But his use of Europe as a standard of measure may have blinkered his imagination of how publics took shape within Muslim spaces of ritual and communal prayer. The mosque provided structures through which worshipers could negotiate radical difference. It is remarkable, then, that Ḥajwī ignored Islam's most potent space of dissemination at the exact moment that he sought such spaces. That he found them, instead, in the commercial sectors of the city indicates his unique historical context.

Ḥajwī's plea for the re-creation of spaces to support forums for the exchange of ideas in Muslim cities took shape at the nexus of ideas of civilizational competition and emergent nationalism. He understood Islam in the context of a unified Muslim world. It was within this world that he wanted to promote the advancement of knowledge. The traffic between "the world" and "religion" was, then, partially civilizational. The advancement of knowledge in the Muslim world was, inherently, the same as the progress of Islam. At the same time, he set out to make Islamic legal norms work in the service of the nation. Here, Ḥajwī appeared in the guise of the colonial mimic man, made famous by postcolonial theorist, Homi Bhabha, drawing

⁴¹ Paul Rabinow, "France in Morocco: Technocosmopolitanism and Middling Modernism," *Assemblage* 17 (April 1992), 54-6.

on the work of the Pan-African psychoanalyst, Franz Fanon and others. While Ḥajwī's concept of democratic space may have imitated or taken cues from his imagination of European salons, we are reminded that mimicry disrupts the binary between consent to and dissent from colonial rule. It opens space for improvisation within this binary.⁴² Ḥajwī's focus on spaces of trade as sites for the development of knowledge emerged out of the late-imperial/early-colonial dynamics that gave birth to the idea of the Muslim world. As such, he did not merely absorb European notions of secularity. He participated in the creation and local interpretation of the secular moment. Ḥajwī, himself, was aware of the world-historical dynamics of such processes. He wrote, "Islam occupies this wide swath of earth and inherited systems like Persians that came before. The system of elections existent in Europe today did not exactly exist in Islam but they had an adequate system for the needs of the time. The contemporary system didn't come into being all at once."⁴³ An argument for a democratic Morocco, this quote shows how Ḥajwī understood different political forms to be suitable to different time periods. Rather than making a form like democracy the preview of a particular culture, he argued that a democratic impulse expressed itself differently in different ages. Thus, while his references were civilizational, Ḥajwī understood the inter-cultural development of ideas, like democracy. His hope was that Morocco might participate in that development.

Postcolonial Moroccan politics have made Ḥajwī out to be a traitor to the nation. But his was one way that the Moroccan *'ulama'* sought to understand Islam within the context of (anti-)colonial nationalism. The ideational gulf between Ḥajwī and Kattānī indicates the narrowing inherent in a political movement like the coup

⁴² Homi K. Bhabha, *The Location of Culture* (New York: Routledge, 1994), 129/

⁴³ Ḥajwī, *al-Fikr al-sāmī*, 2:253.

against Muḥammad V. Ḥajwī and Kattānī developed distinct political theologies; but, in the realm of practical politics, their theo-political visions were expressed in the same way. As Zeghal indicates, the support that scholars like Ḥajwī and Kattānī gave to Glāwī's counter-revolutionary movement left the postcolonial state with a strong hand vis-à-vis the '*ulama*'. This allowed the postcolonial crown and government to conscript the '*ulama*' into their projects and to dominate the religious sphere, at least for a time. The figure Zeghal most associates with the docile, state-affiliated postcolonial '*ulama*' is Muḥammad al-Mukhtar al-Sūsī, the first Minister of Islamic Affairs following independence. Sūsī's stalwart support of Muḥammad V no doubt made him an acceptable candidate for the position. Yet, Sūsī's writings published in the twilight of the colonial period reveal a scholar with a complex view of the relationship between space, knowledge, and power. It is to this work that we now turn.

Sūsī's Regional Islamic Knowledge

As his name would indicate, Sūsī hailed from the region of Morocco known as the Sūs, a fertile, savanna region in Morocco's middle Southwest, to the north of the Sahara, from which it is separated by the Anti-Atlas Mountains. Born to a prestigious scholarly and Sufi family, Sūsī obtained broad training in Islamic studies in his home region and in Rabat, Fez, and Marrakesh. He was immersed, from his teenage years, in the heady mix of reformist ideas associated with Salafism, coming into contact with such notable figures as Abu Shu'ayb al-Dukkālī (d. 1937) and Muḥammad ibn al-'Arabī al-'Alawī (d. 1946). He later founded a school in Marrakesh. He produced a staggering amount of work in the fields of poetry, jurisprudence, biography and autobiography, history, politics, and cultural studies. Despite—or perhaps because of—his broad and deep training in multiple Islamic disciplines, his most prodigious

output went towards documenting the rich Muslim intellectual history of the Sūs region. He produced several biographical dictionaries and encyclopedias detailing the generations of scholars from his home region, with one, *The Honeysweet (al-Ma'sūl)*, taking up twenty volumes and approximately seventy-five hundred pages. His unwavering scholarly focus on the Sūs is made even more remarkable by the fact that he reported alienation from the intellectual climate of the region after he returned with a head full of reformist ideas.⁴⁴ The dominant language in the Sūs was (and is) Tashelḥīt; and a great deal of Islamic scholarship was produced in the language, as well as in Arabic. Sūsī demonstrated great commitment to and mastery of both languages, though he showed a reformist's preference for Arabic.⁴⁵

Sūsī's resolute focus on the Sūs and Moroccan regionalization, more generally,⁴⁶ raises several interesting questions for the present study. First, what was the relationship between the region of the Sūs and the emergent national territory? Second, in light of Burke's critique of the concept of Moroccan Islam, what are we to make of Sūsī insistence that a single region of Morocco could be defined by its scholars and knowledge practices? Below, I suggest that Sūsī conjured a form of detachable regionalization, in which the Sūs could become a part of the map of Morocco as nation, Morocco as empire, or Morocco as a scholarly network.⁴⁷ Further, Sūsī's intellectual "map" of the Sūs could be aligned with far-flung zones

⁴⁴ Jillali El-Adnani, "Regionalism, Islamism, and Amazigh Identity: Translocality in the Sūs Region of Morocco according to Muhammed Mukhtar Soussi," *Comparative Studies of South Asia, Africa and the Middle East* 27, No. 1 (2007), 45.

⁴⁵ Muḥammad al-Mukhtār al-Sūsī, *al-Ma'sūl fī al-Ilghiyīn aa-asātidhatihim aa-talāmidhatihim aa-aṣḍiqā'ihim al-Sūsīyyīn*. 21 vols. (Beirut: Dār al-Kutub al-'Ilmīyah, 2014), 1:13

⁴⁶ Sūs also wrote a book called, *Prisoner of the Sahara [Mu'taqal Al-Ṣaḥrā]*, describing his time in the southeastern region of to which he was exiled. In that work, as well, we see an insistence on the primacy of regions over smaller or larger territorial units.

⁴⁷ In the process of comparing the rhizome to the arboreal or arborescent, Deleuze and Guattari speak of its detachability. They write, "Unlike the graphic arts, drawing, or photography, unlike tracings, the rhizome pertains to a map that must be produced, constructed, a map that is always detachable, connectable, reversible, modifiable, and has multiple entryways and exists and its own lies of flight." Deleuze and Guattari, *A Thousand Plateaus*, 23.

within the vast global sphere of Islamic learning. Sūsī's insistence on holding the aperture of his intellectual history and biographies to the Sūs had the paradoxical effect of opening possibilities of conceiving of the relationships between Muslim scholars.

The metaphor of the camera is not incidental to Sūsī own work. He wrote, "The work of the historian can be compared to the functioning of a camera depicting everything in its field of vision regardless of light and shadow. The historian needs to do the same in order to avoid the falsification of facts."⁴⁸ The dream of a photographic view of history, in which all is captured, "regardless of light and shadow," is, of course, as flawed as the mechanical apparatus on which the analogy relies. Yet, Sūsī own approach to the Sūs helpfully undercuts the totalizing nature of the analogy. Instead of a total view of the Sūs, the region appears in his writing from different angles, re-examined like a three-dimensional projection that appears coherent but is, in fact, a series of two-dimensional captures set against different backgrounds. By embedding his intellectual genealogy trees within a region, Sūsī wedded what Deleuze and Guattari call the arborescent and the rhizomatic. If (intellectual) genealogies often take the form of a tree, Deleuze and Guattari write that the rhizomatic is an "antigenealogy," by which they mean that there is material that traffics between and scrambles these trees.⁴⁹ Their reference is to biological life cycles; but the same holds for intellectual trees. Sūsī carefully charted the lines of intellectual lineages that shaped knowledge in the Sūs. But by detaching the Sūs from

⁴⁸ Muḥammad al-Mukhtār al-Sūsī, *Sūs al- 'ālīma* (Mohammadia, Morocco: Matba'ah Fadala, 1960), 258.

⁴⁹ They write, "Transversal communications between different lines scramble the genealogical trees. Always look for the molecular, or even submolecular, particle with which we allied. We evolve and die more from our polymorphous and rhizomatic flus than from hereditary diseases, or diseases that have their own line of descent. The rhizome is an antigenealogy." Deleuze and Guattari, *A Thousand Plateaus*, 12.

its national and imperial contexts and reattaching it to ideas born in far flung parts of the emergent “Muslim world,” he also demonstrated the cross-pollinated, knotted, and antigenealogical nature of knowledge transference.

Sūsī began an intellectual history of the Sūs, *The Erudite Sūs (Sūs al-‘ilmiyya)*, by tracing the intellectual rupture, initiated by Muḥammad’s revelations, from its origins, through time and space, to the Sūs. He opened the book this way:

All gratitude to God for what He reigns over and prayers upon the man of Service to God, who set forth right ideas, who honed minds, who shredded delusions and negated superstitions [*khurāfāt*]. Then, he [Muḥammad] disposed the thoughts [of the Muslims] to assimilate knowledge as it truly is, purifying it of the theological impurities of the Greeks, the myths of the Chaldeans, the illusions of the Ptolemies and the Romans, and the superstitions of India and Iran. In addition, [we pray that] God is satisfied with [the companions of the Prophet Muḥammad] who were educated by the great man in the middle of the arid hinterlands and who came to dominate those who were brought up in the schools of Alexandria, Rome, Byzantium, Ctesiphon, and Gundeshapur. After that, they turned to become the most learned scholars. Where once they had been mocked as exemplars of ignorance in proverbs, their truths were now spread far and wide. Given their rare courage, they transformed the globe, becoming the axis around which it turned. After they had been considered cowards by others, but they came to resemble angles in their righteousness and elevated zeal. They renounced their possessions and ceased their desire to possess what they did not have. They manifest a wondrous sight by the principle of destroying illusions.⁵⁰

This passage is notable for its attention to the relationship between geography and knowledge. The author reminded the reader of the geographical location of revelation, relying on the presumption that the Hijaz region was an intellectual and political backwater, in relationship to the great cities of “other” civilizations. He next connected this geography-knowledge linkage to fame and dominance on the world stage. Where once the Hijaz was a hinterland, it became the heart of intellectual might, which subsequently brought Islam to political prominence. This had the effect of making Muslim scholars the “axis of the world,” a phrase that has resonances with

⁵⁰ Sūsī, *Sūs al-‘ālima*, 13.

the Sufi concept of the “pole” (*qutb*), which is sometimes translated as “*axis mundi*.” The obvious suggestion was that Arabia could be an analogy for the Sūs. The spark that brought the Hijaz to world-prominence continued to ignite regions like the Sūs. Sūsī’s effort in the book was to fan the flames.

Sūsī’s primary interest was not political or economic history, though he noted significance of the ebbs and flows of both for the relative success of knowledge projects in the Sūs. Instead, his focus was on intellectual history. Quite unlike Ḥajwī, his historical ontology put concepts before the material reality of economy and religion before politics. He too had a theory of the spatial relationships between individual buildings or neighborhoods and larger units like cities or regions. But for him the primary unit of analysis was the mosque, not the market or boarding houses for traders, as it was for Ḥajwī. Mosques, argued Sūsī, were the bases of schools, schools incubated knowledge, and knowledge put a place like Arabia and, later, the Sūs on the map. It was with this theory in mind that Sūsī listed twenty-one disciplines at which the Sūs region excelled.⁵¹ For each he offered a short definition, an excursus on its significance and historicity in the region, and a list of its leading exponents. What emerged from his account was a highly local view of knowledge. This does not mean that Sūsī thought that the knowledge produced in his homeland was incompatible with Muslim knowledge practices elsewhere. Nor was there necessarily anything distinctive about the content of a single work from the region. It was the combination of these disciplines and the skill with which each was produced that made the Sūs region notable. Sūsī’s implicit argument was that knowledge did not

⁵¹ They were, “Qur’anic recitation, Qur’anic interpretation, hadith, biographies of the Prophet Muḥammad, the sciences of hadith, syntax [*al-nahw*], declension [*al-tasrīf*], language [*al-lughā*], interpretive elucidation [*al-bayān*], legal theory [*al-ūsūl*], dialectical theology [*ilm al-kalām*], juro-ethical norms [*al-fiqh*], [the study of] obligations [*al-farā’id*], math [*al-hisāb*], astronomy [*al-hai’a*], logic, storytelling [al-‘urūd], medicine, [science of] the felicity of hadith narrators [*al-asānīd*], rhetoric, and literature.”

need to come from elsewhere. The knowledge did not dwell in a remote locale; it spoke from within the intimacy of a familiar landscape.

The Moroccan historian, Jillali El Adnani, who published the most significant work on Sūsī in English to date, argues that Sūsī's knowledge project was regional and translocal but not "nationalist."⁵² Sūsī's biography would seem to suggest otherwise. Despite his enigmatic and possibly dissembling statement that, "I am not a political man," Sūsī was exiled to the Tafilelt region in southeastern Morocco for his anti-colonial activity. He would later half-joke that he was exiled only for his mastery of Arabic grammar.⁵³ As we saw above, he held the top position in Morocco's state religious apparatus after the country emerged from colonialism. While Sūsī may have not seen himself as political, the explosion of analyses of power and politics over the last several decades would make it difficult not to argue otherwise. But, is it possible to find a certain anti-nationalism or, at least indifference to the nation in Sūsī's work, as El Adnani argues? From his position of Minister of Islamic Affairs he wrote:

I am a Muslim nationalist and not a nationalist politician [...] I belong to those who believe in a united Morocco, who believe that the entire Arab world, from the Atlantic coast to the banks of the Tiger and the Euphrates, should be united as a single nation. Furthermore, I see the Muslim world as a united bloc of the Far East, stretching from North Africa to Indonesia. Whoever believes my conviction to be nothing but a chauvinist remnant of Western colonial rule of the Orient will never become a true Muslim.⁵⁴

Here, Sūsī's musing fit perfectly with the historian Cemil Aydin's history of the overlapping pan-movements, including Pan-Islamism, Pan-Arabism, and the Pan-Asian movement.⁵⁵ These movements are defined oppositionally to European

⁵² El-Adnani, "Regionalism, Islamism, and Amazigh Identity," 46.

⁵³ El-Adnani, "Regionalism, Islamism, and Amazigh Identity," 465.

⁵⁴ Sūsī, *Sūs al-‘ālima*, 15.

⁵⁵ See also: Cemil Aydin, *The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought* (New York: Columbia University Press, 2007).

colonialism, so much so that Sūsī makes anti-colonialism the hallmark of “true” Islam.

In the autobiographical section that opens *Erudite Sūs*, Sūsī most often put his home region in relation to other cities in Morocco. He tracked the historical rise and fall and rise of the Sūs against what was happening in Marrakesh, Fez, and Sijilmasa. This would indicate that he placed the intellectual space of the Sūs in relation to what he referred to as the Far Maghreb (*al-Maghrib al-Āqṣa*). The Sūs took on its meaning not only as a site in a large trans-regional or trans-national Muslim geographical and intellectual space but also in relation to the much nearer centers of learning that normally defined intellectual Morocco. Yet, the Far Maghreb was not the same as the modern nation-state of Morocco.

The view of knowledge expressed in *Erudite Sūs* was resonant with key trends in early Moroccan reformism, including a rejection of myth and an insistence that concepts could be grasped as they truly are, without the interference of irrationalism. In *The Honeysweet*, published after *Erudite Sūs*, Sūsī described learning the ability to distinguish knowledge from “superstitions” (*khurāfāt*) in Fez, where he first encountered the vanguard of Moroccan reformism. Instead of bringing the object of his study into focus by way of Islamic history, as in *Erudite Sūs*, *The Honeysweet* unfolded a hero’s narrative of departure and return to the Sūs, which was then accounted for in encyclopedic fashion. Sūsī described his alienation from his homeland, his immersion in works of contemporary Arab literature (as we saw above), and his return to roots. He wrote:

In Fez, I discovered a religious concept by which I could distinguish between concealing myths and Godly spirituality. A pride of homeland [*ghayra waṭanīya*] sprouted in me; and I forgot myself and my personal interests. I prepared myself for the redemption of my religion [*dinī*], my homeland [*waṭanī*], and my community [*ummatī*], [by which I mean], the Arab and Islamic community. I positioned myself between these

two: The intellectual life [*al-fikra*] and pride [*al-ghayra*] [of homeland].
I swam in living literatures, surfacing, through them, in this new age.⁵⁶

Sūsī's describes his spiritual and political coming of age through a discovery of contemporary Arab literature.⁵⁷ In that process, literature and territory became metonymy for one another, each one describing the other and working together to connect Sūsī to a broader community. Yet, this pair did not have the stability that is sometimes implied by the evocation of national territory or national literature. Sūsī used the word *waṭan*, which has come to mean “nation” but which has an older meaning of “homeland.” Sūsī, however, did not define the term. Did he intend for it to be a synonymy for “community”—meaning, in this case, Arabia and Islamdom—or did it refer, more narrowly, to Morocco or the Sūs? This ambiguity that sits as the central tension in Sūsī's work and specifically his vision of the relationship between the Sūs and the rest of the world. While he intends *waṭan*, to refer to homeland or nation in broad sense of the word—shorn of its attachment to a state—he nevertheless had to negotiate with the emerging reality of the Moroccan nation-state.

The designation of his “community” as Arabia or Islamdom had the effect of changing the background against which the Sūs was projected. Rather than the constellation of Moroccan cities of learning, the Sūs was now situated within a vast sphere of Muslim learning and Arabic literature. Or, more properly, Sūsī understood his task to be the mapping of the Sūs so that it might fit in to that broader landscape. Of course, Sūsī also had a limited imagination of what constituted the whole of Arabia or Islamdom. All but one of the authors he names as part of the new era were

⁵⁶ Sūsī, *Ma'sūl*, 1:15.

⁵⁷ Sūsī lists several of the authors who he encountered during this period. “I read from the prose of [Mustafā Luṭfī] al-Manfalūti [d. 1924], [Muḥammad] Farīd Wajdī [d. 1954], Muḥammad 'Abduh, and the like, to the poetry of [Aḥmad] Shawqī [d. 1932], Ḥafīz [Ibrāhīm] [d. 1932], [Khalīl] Mutrān [d. 1949], and similar folks. What I learned was that, from my youth, I had only swum in the shallow end of the poo, which did not cool my body, quench my thirst, or excite my passions.” Sūsī, *Ma'sūl*, 1:15.

from Egypt.⁵⁸ Significantly, his intellectual alienation from the Sūs was not the result of his contempt for the knowledge produced in the region. Rather, it was with the knowledge that he was taught there as a youth. He contrasted the (Egyptian) writers of the “new era,” with his earlier, shallower engagement with Arabic letters as a schoolboy in the Sūs, typified by reading *One Thousand and One Nights*.⁵⁹ His return was signaled by the presentation of a long poem (*qaṣīda*), of his own authorship, which recapitulated the narrative of his absence and return.⁶⁰ Two important points emerge from this staging of *The Honeysweet*. First, Sūsī’s task was to detach the Sūs from its obscure embedding in southwestern Morocco and to reattach it to the Arab and Muslim worlds. Second, this was done primarily through literature. His means of connecting the Sūs to this wider world was a mode of unearthing forgotten literatures and translating them for an Arabic reading audience.

Sūsī can be compared with another figure, ‘Abd Allāh Gannūn (d. 1989), who hailed from the north of Morocco. Gannūn shared much with Sūsī, biographically and intellectually. Like Sūsī, he received broad training in Islamic studies; and, also like his slightly older contemporary, he chose to express that training primarily in biographical and literary modes. Yet, Gannūn’s literary-geographical coordinates are much easier to map. In 1938, Gannūn published a two-volume work, *Moroccan Genius in Arab Literature (al-Nubūgh al-Maghribī fī al-adab al-‘Arabī)*. That work deployed the word *waṭan* unambiguously as “nation.”⁶¹ It most often put Maghrebis in relation to “our brothers in the [Islamic] east,” thus leaving open the possibility that Gannūn intended to refer to the wider, medieval notion of the Maghreb. But the

⁵⁸ The exception being Mutrān who was born in Lebanon but who died in Cairo.

⁵⁹ Sūsī, *Ma ‘sūl*, 1:14.

⁶⁰ Sūsī, *Ma ‘sūl*, 1:15-23.

⁶¹ ‘Abd Allāh Gannūn, *al-Nubūgh al-Maghribī fī al-adab al-‘Arabī* (No location given: Dār al-Thaqāfa, n.d.), 31.

organization of the book shows the development of Moroccan literature—in which Gannūn includes poetry, prose, political writings, and history—in a way that projected an unbroken and uninterrupted “development” of political-literary formations in the Far Maghreb.⁶² He spoke of the “natural” independence of the Moroccan archive (*khizāna*) from others in “Arabdom” (*‘urūba*).⁶³ These moves represented the nationalist’s papering over of the discontinuities between Maghrebi empires and the Moroccan nation-state and the disruption of the links that made Maghrebi knowledge inseparable from its translocal environs. Sūsī, by contrast, had a far more mobile sense of the relationship between space, power, and knowledge.

It is important to note, before moving on, that Sūsī represents an ambiguous legacy for the contemporary Amazigh movement in North Africa. Some scholars have referred to him as an Amazigh nationalist.⁶⁴ But many in the contemporary movement disown him because of his affinity for Arabic over Tashelḥīt and his pan-Islamism and pan-Arabism, more generally. Sūsī’s uncertain afterlife is a reminder of how this history of the intersection between spatial politics and Islam in twentieth century Morocco could also be told through ethnic and linguistic analyses.⁶⁵ But the fact that Sūsī could become a forefather to both contemporary Amazigh and Arabo-Islamist movements also underscores the complex—indeed, the rhizomatic—nature of intellectual legacy.

Muḥammad ‘Allāl al-Fāsī: Empire within Nation

A Muslim politician and thinker of enormous importance, an avowed Moroccan nationalist, and an anti-colonialist, Muḥammad ‘Allāl al-Fāsī, shared an educational background with all of the thinkers considered here. But, of all of them,

⁶² Gannūn, *al-Nubūgh al-Maghribī*, 31-2.

⁶³ Gannūn, *al-Nubūgh al-Maghribī*, 31.

⁶⁴ El-Adnani, “Regionalism, Islamism, and Amazigh Identity,” 46.

⁶⁵ See, for example: Sadiqi, *Moroccan Feminist Discourses*.

his ideas would prove to be the most influential for the Moroccan independence movement and for the nation's postcolonial life.⁶⁶ Born to a noble family in the city whose name he bore, Fāsī was educated at the Qarawiyyīn, in classical Muslim subjects. He too came into contact with reformist ideas from an early age. In the first decade of French colonialism in Morocco, he was already actively engaged in Salafī anti-colonial projects, efforts which eventually landed him in house arrest. In 1931, he was freed and took up a lectureship at the Qarawiyyīn. During those years, he earned the ire of a cadre of older and more quietist divines.⁶⁷ In his writings, Fāsī would return the fire, blasting them for their political complacency. Also in the '30s, Fāsī began his long career in party politics. He was involved in the Moroccan Bloc for National Action (*Kutlat al- 'amal al-waṭanī al-maghribiyya*). This would later become the famous "Istiqlāl [Independence] Party," which Fāsī would lead from 1946. In '30s, he also presented a list of reforms to the Sultan and was again locked up for his role in anticolonial riots that broke out across the country. In 1947, he fled to Cairo where he would remain until the year of Morocco's independence, 1956. That year, he returned to his home country where he served as a professor of Islamic law, Minister of State, chair of a royal committee on Greater Morocco, and helped draft the nation's first constitution.

Fāsī had his disagreements with the Moroccan throne, though he never fell afoul of the monarchy; and, to this day, he is remembered as a nationalist hero. He should be seen as a synthetic thinker, who managed to combine the imperial memory of Kattānī, the economic and political pragmatism of Ḥajwī, and the pan-Islamism of

⁶⁶ A strong case could be made that of the Arab-Muslim reformers of his generation, Fāsī's importance is the least matched by the amount of English-language scholarship about him.

⁶⁷ U. Rizzitano, "'Allāl al-Fāsī", in: *Encyclopaedia of Islam*, Second Edition, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Consulted online on 18 August 2017 <http://dx.doi.org.proxy.lib.duke.edu/10.1163/1573-3912_islam_SIM_8325> First published online: 2012 First print edition: ISBN: 9789004161214, 1960-2007.

Sūsī to effectively bring about the nationalist vision of Gannūn. In the next chapter, I will focus on how Fāsī attempted, with some success, to construct the Moroccan nation-state by recalling the Moroccan Muslim imperial order. To conclude this chapter, I analyze his writings published prior to Moroccan independence. Focusing on the period of his exile to Egypt, I ask how he envisioned the space of Muslim and Moroccan power as he looked to and beyond independence.

In Cairo, Fāsī kept an office at the Arab Maghreb Center (*Maktab al-Maghrib al-‘arabī*). He was active in various pan-Arab and pan-Muslim movements that were headquartered in the city at the time. The Egyptian historian, Aḥmad Amīn (d. 1954), who was then chairman of the Cultural Bureau of the League of Arab States asked Fāsī to write an article on Maghrebi independence movements. Always one for prolixity, Fāsī decided to write a book instead. Entitled, *Independence Movements in the Arab Maghreb (al-Ḥarakāt al-Istiqlālīya fī al-Maghrib al-‘Arabī)*,⁶⁸ the book gave short shrift to the anticolonial movements of Algeria and Tunisia. He focused much more intently on the history of which he was a major part. Even though the body of the text deals with the “Near,” “Middle,” and “Far” Maghreb by turns, the introduction constitutes the Maghreb as a coherent religious, ethnic, and political unit.

Fāsī traced Maghrebi socio-political “national consciousness” (*qawmīya*) back to the pre-Islamic period.⁶⁹ He signaled that resistance to outside rule and “self-defense” (*al-difā‘ ‘an al-nafs*) were at the heart of this consciousness.⁷⁰ He even carried out a bit of Tamazight etymology to prove this point—referring to the Maghreb by the name given to it by its indigenous inhabitants, the land of the

⁶⁸ The work is now more widely available in its English translation: ‘Allāl al-Fāsī, *The Independence Movements in Arab North Africa*, trans. Hazem Zaki Nuseibeh (Washington, D.C.: American Council of Learned Societies, 1954).

⁶⁹ Fāsī, *The Independence Movements in Arab North Africa*, n.

⁷⁰ *Ibid.*, r.

Amazigh [*bilād Amāzīgh*], or, in Fāsī's definition, "the country of the free [*waṭan al-ḥurr*]." ⁷¹ Fāsī's insistence on perennial Maghrebi resistance to foreign rule created a problem for his narrative. He was an advocate of the Islamic identity of the Maghreb. But Muslims were originally an outside force in the region, meaning that one would expect that true Maghrebi consciousness would not have accepted Muslim rule. Fāsī resolved this tension by referring to the logic of "communal liberation and national independence" that indigenous Maghrebis saw in Islam. ⁷² This account does not square with what historians know of the spread of Islam to North Africa; but it allowed Fāsī a rhetorical point. His aim was to reposition the perpetual Maghrebi struggle against outside forces as a narrower struggle against Europe:

We find in this long history of the Maghreb a continuous struggle between the Latin family and the family that today we call Arab but whose mentality comprises Maghrebi, Greek, and Semitic intellectual heritages. We find further that victory has always been on the side of Arab civilization which forms the foundation of Mediterranean civilization. ⁷³

Fāsī described Maghrebi culture as the end-point on a telos that connected Greek philosophy, Hebraic religion, and Arab thought. He positioned this telos against a continuous "Latin" imperial civilization that linked contemporary French and Spanish colonization back to Roman rule in North Africa. Fāsī further underscored the distinctiveness of the Maghreb from other parts of Arabia. The Maghreb was, then, a uniquely important point on Fāsī's geo-political and geo-intellectual map—a vanguard of the perpetual anticolonial struggle, which was "under the sun of Arabism" but refused to, "be relegated to the rear of the caravan." ⁷⁴ From this vantage point, he turned his focus to the three individual units within the Maghreb. The

⁷¹ Ibid., z.

⁷² Ibid., m.

⁷³ Ibid., m.

⁷⁴ Ibid., n.

histories he narrated attempted to demonstrate the endurance of the Maghreb's autonomous spirit and to cast their respective independence movements according to Fāsī's own religious-nationalist vision.

Fāsī used the two imperial names to refer to Morocco: “The Far Maghreb” (*al-Maghrib al-Āqṣa*) and “Marrakesh” (*Marrākush*), after the city which sometimes served as a synecdoche for the empires that were centered there.⁷⁵ His focus was on the history of Moroccan responses to European colonialism; and he narrated that history in impressive, if not wholly accurate, detail. For our purposes, it is worth pausing to consider how Fāsī positioned Islam in this account. It is unsurprising that, as an active and early member of the group, he held up the Salafis as a key driver in the Moroccan independence movement.⁷⁶ Fāsī underscored the proactive nature of the Salafis, “This movement was not limited to a critique of superstitions [*al-kharāfāt*]. It went beyond this, urging the people to gain knowledge and calling for a comprehensive reform and resistance to inertia in all aspects of life.”⁷⁷ It might be claimed that Fāsī saw Salafism as a panacea; but his comments here accord with the view of that movement in the first half of the twentieth century, which understood Salafism to be the recapturing of the *dynamism* of the first generation of Muslims—the *Salaf*—rather than a narrow view of early Muslim hermeneutical strategies, which defines a different strain of Salafism. Central to this vision was the idea that Islam should pervade every aspect of life as a force that urged the reconstruction and rethinking of modes of being. Fāsī ascribed a primordial essence to the Marghrebi nation; but he also acknowledged, obliquely, that the nation-state represented a novel political form to which Islam should be adapted. He wrote:

⁷⁵ “Morocco” is a corruption of the latter name.

⁷⁶ Henri Lauzière, *The Making of Salafism: Islamic Reform in the Twentieth Century* (New York: Columbia University Press, 2016), 133-4.

⁷⁷ Fāsī, *The Independence Movements in Arab North Africa*, 155.

The freedom [of individual nations] must accord with the goals of fraternity between Islamic nations, within the framework of political unity. This was a hang-up for the Salifis: whether to organize as a modernized caliphate or to form a league of eastern nations. Eventually, the movement accepted nationalism, built not on the spirit of ethnicity or religion but on territorial contiguity [*al-rawābiṭ al-iqlīmīya*]. They justified this with knowledge of tolerance in Islam, and the demand that each part of the Muslim community should defend the whole of Islamdom while also avoiding accusations of Islamic intolerance and narrow mindedness by non-Muslims.⁷⁸

With remarkable lucidity, Fāsī described the embrace of nationalism by (a certain strain of) Salifi thinkers. In keeping with the global history brought to light by Aydin in *The Idea of the Muslim World*, Fāsī projected a uniform Muslim identity back onto the past. He then suggested that Salafis were confronted with the task of deciding how best to maintain that uniformity in the age of nation-states. He argued that these thinkers were presented with a “choice” about whether they should support a caliphate or a system of nation-states.⁷⁹ He presented the “decision” to embrace the nation-state system as evidence for Islamic tolerance of non-Muslims because he presumed that territorially defined polities necessarily included multiple faith groups. Another aspect of Fāsī’s words fit in remarkably well with the situation described by Aydin: the sense that the Muslim community of nations was proleptically organizing itself to avoid criticism by non-Muslim (read: European) outsiders. The nation-state form was thought to be the most visible sign of a modern and progressive political orientation.

A number of Fāsī’s post-independence concerns, which we will encounter in the next chapter, were already present in his work on Maghrebi independence movements in the 1940s. In that work, he spoke enthusiastically of the need to “reincorporate” the Shinqit (roughly modern Mauritania) into Morocco. He also

⁷⁸ Fāsī, *The Independence Movements in Arab North Africa*, 146-157.

⁷⁹ It is not clear if he was referring to the Ottoman Caliphate or the creation of a new caliphate.

turned his attention to the pre-colonial political history of the Shinqit and the region that would come to be called the Western Sahara when he described the role of Shaykh Ma' al-'Aynayn (d. 1910), an anti-colonial political and religious leader. But, in *Independence Movements in the Arab Maghreb*, Fāsī was more circumspect than he would become about this important Saharan leaders. In that book he praised Ma' al-'Aynayn's political acumen and gave him due acknowledgement in the anti-colonial consolidation of Morocco. But he also criticized Ma' al-'Aynayn and his son for their effort to take the Moroccan throne. Later, as the need to make Ma' al-'Aynayn's legacy work for Morocco's irredentist movement increased, Fāsī would downplay Ma' al-'Aynayn's own involvement in the coup, shifting blame wholly to the Sufi leader's son.

Most importantly, Fāsī's work on Morocco in *Independence Movements in the Arab Maghreb* outlined what would be his peculiar brand of Islamic nationalism. There has been a good deal of disagreement about Fāsī's model of citizenship and belonging and their relationship to Islam. Some have argued that Fāsī offered Islam—and *Sharī'a*, more particularly—as a model for “righteous global citizenship.”⁸⁰ More plausibly, the historian, Henri Lauzière has recently suggested that Fāsī simply favored territorial nationalism over “[Pan-]Islamic” nationalism. As evidence, Lauzière holds up Fāsī's explicit inclusion of Morocco's Jewish minority into the nation.⁸¹ This view accords with numerous passages throughout Fāsī's corpus, including those cited above. But Lauzière reads these passages without due suspicion. When placed in the context of Fāsī's burgeoning irredentism, it becomes clear that

⁸⁰ David L. Johnston, “Allāl al-Fāsī: Sharī'a as Blueprint for Righteous Global Citizenship?” in Abbas Amanat and Frank Griffel (eds.), *Shari'a: Islamic Law in the Contemporary Context*. Palo Alto, CA: Stanford University Press, 2007, 83–103.

⁸¹ Henri Lauzière, *The Making of Salafism*, 133-4.

“territory” did more work for Fāsī than simply providing the structure for an inclusive nation-state. Instead, territory—and its expansion—was the means by which Fāsī sought to condition the Moroccan nation-state. His focus on territory was an effort to recall Moroccan imperial glory and to revivify it within the Moroccan nation-state. As we will see, the recollection and recapturing of Morocco’s erstwhile imperial geography was also a means to imbue the Moroccan state with (reformed) Muslim legal and political structures. After all, the Jewish minority also participated as subjects in Moroccan empires. Thus, rather than being opposed to Islamic nationalism, Fāsī’s territorial nationalism was the way he hoped to make the nation Islamic.

Conclusion

From the early decades of French and Spanish colonialism, Moroccan ‘*ulama*’ began thinking through what an independent Moroccan polity would look like in the twentieth century. The concepts of *dīn* (religion) and *dunyā* (world) provided a framework through which the relationship between religion and politics could be thought. But this was not merely the question of secularism, at least not in its strong twentieth and twenty-first century meanings. Instead, *dīn* and *dunyā* indexed the relationship between the salvation of a community and its *material* conditions. Scholarship on nineteenth and twentieth century Muslim reformism has most often analyzed these thinkers’ attempt to rework the relationship between reason (*al-‘aql*) and received, authoritative knowledges (*al-naql*). This dyad did encapsulate a pervasive concern for many colonial-era Muslim thinkers. But this chapter has demonstrated that the *dīn-dunyā* axis provided a way to think through changing geopolitics while anchoring the debate about the physical shape of the Muslim polity in pre-modern Muslim archives. Territory shaped twentieth century Muslim thought

in ways that have been dramatically underappreciated. The next chapter turns to how Fāsī and others sought to actualize this thought in postcolonial Morocco.

Chapter Three

It is commonly said that Morocco gained its independence in 1956. But in that year, and in many that would follow, Moroccan nationalists argued that Morocco was not yet free. “Morocco will not be free until all of it is free,” became a rallying cry that was repeated over and over in newspapers, particularly the mouthpieces of the Istiqlal Party. At the forefront of this movement was the famous political leader and traditionally trained Muslim scholar, ‘Allāl al-Fāsī. Having returned from exile in Egypt, Fāsī continued to rally for the “reincorporation” of diverse territories into Morocco. These territories included the Spanish Sahara, known today as the Western Sahara, the Spanish controlled cities of Ceuta, Melilla, and Sidi Ifni, as well as Mauritania and chunks of Senegal and Mali.¹ Within Fāsī’s party, Istiqlal, these irredentist claims were divisive. But they became a *cause célèbre* in Morocco, unifying diverse sectors of Moroccan society.² A map of this dreamed-for Morocco, known as “Greater Morocco,” was widely circulated and lauded. Fāsī founded two periodicals specifically devoted to proving these claims, the French-language, *Perspectives saharienne (Saharan Perspectives)* and the Arabic, *Ṣaḥarā’ al-maghrib (Morocco’s Sahara)*, which not only presented opinion pieces and articles on the status of these territories, but which also published historical documents that demonstrated precolonial connections between these territories and the central Moroccan state. In short, Fāsī and his associates undertook a massive scholarly project to argue for the historical links between the newly independent Morocco and these neighboring territories. The King of Morocco, Muhammad V (r. 1927 – 1953,

¹ At its most extreme, Morocco’s claim included all of Mauritania, Port St. Louis in Senegal and much of present day Algeria.

² Douglas E. Ashford. “The Irredentist Appeal in Morocco and Mauritania,” *Western Political Quarterly* 15 no. 4 (1962), 644.

1957 - 1961), eventually gave his support to the irredentist movement and recognized Fāsī's leadership with an official chairmanship of the Committee to Study the Southern Border. In 1960, the Moroccan state submitted a whitepaper to the United Nations asking for the international body's recognition of its claim on Mauritania. It was rejected.³

Today, this early post-independence Moroccan irredentism is mostly remembered as a footnote to the history of the ongoing conflict in the Western Sahara. The claims on Mauritania and Senegal are seen as post-independence posturing, with little grounding in reality. For some, they evidence the idea that Morocco absorbed an imperial ideology that runs right through to its present hold on the Western Sahara.⁴ This thesis is flawed not just because it contradicts the Moroccan irredentists' accounts of their actions. It is also insufficient on its own merits. It offers up will-to-power or a thirst for natural resources as explanations without assessing what benefits could be got from either motive. Why these territories in particular? As Zunes and Mundy point out in their work on the Western Sahara, an economic analysis alone does not justify Morocco's continued occupation of that territory.⁵ The same could likely have been said of the costs and benefits of occupying Greater Morocco, had the opportunity presented itself. The territory of Greater Morocco was vast. The difficulty of administering it is likely what kept the king from giving it his full support early on.⁶ The idea that Morocco became an aspiring colonizer even as it was being decolonized may have been effectively true; but it does not tell us why Fāsī and others

³ Ibid., 642.

⁴ This chapter is not concerned with the historical strength of Morocco's claim on any of these territories. For a somewhat dated but excellent and detailed historical and geographical assessment of these claims, see: Frank E. Trout, *Morocco's Saharan Frontiers* (Geneva: Droz, 1969).

⁵ Stephen Zunes and Jacob Mundy, *Western Sahara: War, Nationalism, and Conflict Irresolution* (Syracuse, NY: Syracuse University Press, 2010), 23.

⁶ The King created an official body to investigate the concept of Greater Morocco only after the idea gained popular support.

thought that their scholarly project would bear fruit. It does not account for the voluminous archives that posited an intricate relationship between religion, history, and sovereignty across Greater Morocco.

In the narrative of Morocco as a materially-motivated colonizer, any claim to a political, religious, or legal historical justification for irredentism must be seen as a pretext for what was actually an economic enterprise. Religion becomes a cynical ruse of power. If this is true, the same must be said of domestic efforts to infuse references to Morocco's imperial and religious history into the postcolonial political structure. At nearly the same time that Fāsī was forcing the irredentist issue into the center of Moroccan public life, he and his associates were involved in drafting Morocco's first constitution. That document—like the irredentist project—linked rhetorics of Islamic legal and political thought to territoriality. The effort to establish Islamic legal principles within Morocco's constitutional framework and the use of Morocco's imperial history to make irredentist claims formed intersecting and mutually-reinforcing discourses. Read together, these discourses unfold a very different theory of why Moroccans ardently embarked on a costly and ultimately fruitless irredentist project than is normally presupposed.

Greater Morocco was an archival project. It operated most visibly and concretely as the process of accumulating manuscripts. Though a great deal of the documents amassed during this period remain undisclosed, reprints in Fāsī's newspapers indicate the existence of an elaborate and increasingly formal network through which manuscripts, royal circulars, and other documents moved from far flung reaches of the territory that the Greater Morocco conceived towards Rabat and the halls of Moroccan officialdom. Initially, many of these documents likely went to Fāsī's home and offices. Later, they were stored in the Royal Archives. It is not

incidental that the administrative building that houses these archives is adjacent to the tomb of the two previous kings, Muhammad V and Hassan II. As will become clear, the king and his body were posited as central to the process of tying Islam, state, and territory together in twentieth century Morocco. The kings' tombs and the Royal Archive formed a complex memorial to imperial Morocco.

Greater Morocco was an archive; but the archive supported and constructed a memory. The nature of that memory was contested and changed over the middle decades of the twentieth century. The Tomb-Royal Archive complex projected an image of imperial grandeur. In that image, the king and his body were supreme. The tomb sat in an enormous, incomplete mosque. The accumulated manuscripts in the archive, from all over Greater Morocco, symbolized the land over which the king reigned. The person of the king was largely irrelevant. Rather, the tomb linked a continuous sovereignty with the textualized territory of the Far Maghreb. This was the modern Moroccan nation-state standing in for the empire—an attempt to collapse imperial memory into the present nation.

Before this monarchization of Greater Morocco, Fāsī and others, like ‘Abd Allāh Gannūn, began with a different memory. Theirs was of a vast swath of northwest Africa united by a common religious confession. The king was important only as the “Commander of the Faithful”—a caliphal title—and only then as a way to access the memory of a harmonious Muslim polity. Without the figure of the caliph there could be no Greater Morocco; but his authority was to be severely circumscribed by the law. Thus, where ruse-of-power readings of Moroccan irredentism understand the use of Islamic rhetoric as pretext for colonial expansion, the theory of Greater Morocco itself began with the opposite impulse. Recalling the united territory was a way to circumvent the colonial past and to return to an ideal of a

realm united by decentralized, horizontal, and juridical governance. Greater Morocco was a way to return to Islam, not the other way around.

In both of these visions, the caliphal title, “Commander of the Faithful,” was invested with new meaning as it was brought into a national framework. Power and space were not configured the same way in pre-colonial western North Africa as they were in postcolonial Morocco. Older forms of religio-political sovereignty had to be altered in order to fit with the new notion of a territorial nation-state. In the process, both religion and the power-space linkage were transformed. Even if the idea of Greater Morocco began as a way to imagine a form of decentralized Muslim governance, it set off a chain of intractable problems. Territoriality was both catalyst to imagining new forms of religion and the often violent circumscription of the possibility of flourishing of alternative forms of life. Fāsī theorizations represent the utopian end of this chain. Though he was not aware of it, his vision also contained the seeds of the trouble that was to follow.

The Law of the Land

‘Allāl al-Fāsī set out to theorize how Islamic law would work within and sustain the nation-state. For Fāsī, what the nation-state and *sharī‘a* shared was an evenness of application of the law. The concepts of citizen and *mukallaf*, or the one who was obligated by the law, were different but could be translated if the *equality* of each was emphasized. Citizens and the addressees of Islamic law ought to be equally and mutually obligated. The nation could accommodate Islamic law if the latter was built on principles of equality of rights and duties between citizens, just as Islamic law had been.⁷ Recalling this condition of Islamic legal mutuality allowed him to theorize

⁷ ‘Allāl al-Fāsī, *Maqāṣid al-sharī‘a al-Islāmiya wa makārimuhā* (Beirut: Dār al-Ghārb al-Islāmī, 1993), 6.

the conditions under which a modern Muslim nation-state might emerge. He envisioned a uniform and homogenous space of belonging under the law.

Fāsī was invested in a version of Islamic law known as the “objectives of revealed norms” (*maqāṣid al-sharī‘a*), which deduced five broad categories that the law ought to minimally protect: religion, life, property, reason, and paternity. As Moosa explains, the theory urged Muslims to, “ensure that the rules and judgments meet the broad rationality of these objectives, especially in areas where there are no prescribed rules.”⁸ A handful of premodern thinkers have been credited with devising this approach to sharia but the one who most commonly cited is the Andalusian jurist Abū Ishāq al-Shāṭibī (d. 1388). Shāṭibī delivered to the theory an unprecedented taxonomic clarity. Since his introduction into Muslim modernist discourses by the Egyptian, Muhammad ‘Abduh (d. 1905), Shāṭibī has held an important place in Islamic reformism, especially among North African thinkers.⁹ In his work on this theory of *sharī‘a*, *The Objectives of the Revealed Norms and their Application* (*Maqāṣid al-sharī‘a al-Islāmiya wa makārimuhā*) Fāsī highlighted the importance of worldliness to the *sharī‘a*. He further deduced Shāṭibī’s five-objective structure into an infrastructure. He wrote, “The most general aim of the Islamic *sharī‘a* is [creation of the] infrastructure of the earth [*‘imārat al-arḍ*] and the protection of the structure that allows for peaceful coexistence within that infrastructure.”¹⁰ The psychoanalytic critical theorist, Lauren Berlant, defines infrastructure as, “that which binds us to the world in movement and keeps the world practically bound to itself.”¹¹ Fāsī sought a form of *sharī‘a* that would guarantee a stable infrastructural attachment to the earth,

⁸ Ebrahim Moosa, “Muslim Ethics?” 240.

⁹ Ebrahim Moosa, “On Reading Shāṭibī in Rabat and Tunis,” *The Muslim World* 104 (October 2014), 451.

¹⁰ Fāsī, *Maqāṣid al-sharī‘a*, 45.

¹¹ Lauren Berlant, “The Commons: Infrastructures for Troubling Times,” *Environment and Planning D: Society and Space* 34, no. 3 (2016), 394.

one which would provide for human flourishing-as-peaceful coexistence. It was a profound insight, one which has gone unremarked in the relatively scant scholarship on Fāsī: the law could not be thought of apart from the conditions of the earth. His theory was that revelation provided for the creation of an infrastructural system that accounted for and neutralized earthly contingency and dynamism. Within that infrastructure, Fāsī hoped that structures could be created that fostered coexistence. However, as we will see, Fāsī’s understanding of coexistence rested on an unobtainable notion of belonging that sprang from homogeneity. Even more important was the fact that the infrastructure could not sustain the structure.

Because of his insistence on an interpretation of Islamic law that accounted for (human) nature, scholars have posited that Fāsī, like other Muslim modernists, held a legal theory that was not dissimilar from natural law.¹² In his article on Fāsī, “Naturalizing *Sharī‘a*: Foundationalist Ambiguities in Modern Islamic Apologetics,” the scholar of Islam and politics, Andrew March, nuances this claim. He points out that Fāsī explicitly rejected the comparison between natural law and *sharī‘a*. March agrees with Fāsī’s own assessment that Fāsī’s understanding of *sharī‘a* differed from natural law in that the former took the form of divine command, while natural law lacked such a command.¹³ Yet, the similarity that has caused some to associate Fāsī’s vision of Islamic law with natural law was his modernist argument that there was a link between *fiṭra*, or innate human disposition, and Islam. According to Fāsī, Islam enhanced what was already present as a predisposition in the human. “If humanity was created with the natural disposition to love what is best for it, then Islam—as the

¹² David L. Johnston, “Allāl al-Fāsī: Sharī‘a as Blueprint for Righteous Global Citizenship?”; Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl al-Fiqh*. Cambridge, UK: Cambridge University Press, 1997, 224–6.

¹³ Andrew March, “Naturalizing *Sharī‘a*: Foundationalist Ambiguities in Modern Islamic Apologetics,” *Islamic Law and Society* 22 (2015), 64.

natural religion—should be the location of this innate human disposition.”¹⁴ Islam was a vehicle for the expression of the natural human inclination towards the good. In his more tolerant mode, Fāsī argued that the fact that both Islam and human nature could serve as sources of moral aims meant that some societies were capable of being morally upright in their values, without having access to the direction offered by Islam.¹⁵ As March points out, this moral-philosophical equivocation left a chink in Fāsī’s theological armor.¹⁶ An opponent might go so far as to question the overall necessity of Islam in Fāsī’s scheme. If humans were already predisposed towards the good, then what would be the necessity of Islam?

March offers two possible reasons why Fāsī would have allowed non-Muslims the possibility of reaching the good. The first is ecumenism. It may be that Fāsī simply wanted to build bridges to other cultures and civilizations. Another possibility that March proposes and defends is that the general motive that governed Fāsī’s overall presentation of Islam was *apologia*. March quotes Fāsī:

God has not charged us with anything outside of customary morality already followed by humanity and in accordance with its innate disposition. So, can anyone reject the call [of Islam], which demands regard for and deference to the customary morality that is already in accordance with the rules of morality established by humanity in all times and places?”¹⁷

Fāsī argued that the match between Islam and universal human morality would mean that accepting Islam would be an utterly logical step for all people. According to March, the fit between Islam and human disposition was the heart of Fāsī’s apology.

¹⁴ Fāsī, *Maqāṣid al-sharī‘a*, 67.

¹⁵ It could be argued that this view is an updated version of the ‘Ashari argument that those who had not heard of Islam still had access to paradise. However, Fāsī’s argument about the possibility of non-Muslim societies achieving the good was contingent on other societies not having been exposed to Islam. See: Mohammad Hassan Khalil, *Islam and the Fate of Others: The Salvation Question* (Oxford, UK: Oxford University Press, 2012).

¹⁶ March, *Naturalizing Sharī‘a*, 65-66.

¹⁷ Al-Fāsī, *Maqāṣid al-sharī‘a wa makārimuhā*, 192-3. Quoted in and translated by March, with some modifications for readability, 69-70.

Fāsī depicted Islam as inherently suited to humanity out of an attempt to make Islam seem appealing and in accord with modernity and human psychology. March uses this discovery of an *apologia* in Fāsī's thought as reason to deride the Moroccan thinker for abandoning his claim to philosophical rigor. March admits, though, that both the ecumenical and the apologetic interpretations of Fāsī's understanding of *sharī'a* are possible.¹⁸ Contrary to March, it is not necessary to find a coherent account of what was Fāsī's changing and pragmatic approach. After all, Fāsī was a politician and national leader in addition to being a theorist. Although the observation that a committed Muslim thinker, like Fāsī, upheld the primacy of Islam hardly amounts to a scholarly insight. March is, of course, right that Fāsī's theory contained an apology for Islam. However, March fails to see another reason why Fāsī allowed that the good could be reached by means outside of Islam.

For Fāsī there was fit, not between all people and Islam, but between particular religions and particular pieces of land and the people who lived on them. This differs from the ecumenical perspective in that it allows for the open hostility that Fāsī sometimes showed towards other faiths and civilizations. Instead, it draws on another aspect of Fāsī's scholarship: his desire to make Islamic law work in the nation-state. It may seem, on first blush, that this theory pushes against the overwhelming evidence that shows that Fāsī held that Islamic *sharī'a* was universal and, therefore, acceptance of Islam was, minimally, open to all of humanity and, at maximum, incumbent on everyone. How could religion be both specific to a particular land and people and also universal? Part of the reason for this contradiction is that Fāsī's theory was apologetic, as March shows. But it was also part of a two-step process that characterized both Fāsī's legal Islamization project and his

¹⁸ March, *Naturalizing Sharī'a*, 68-74.

irredentist one. First, he aimed to naturalize the nation-state and to project it back onto the past. Next, but more rarely, he spoke of the eventual withering away of nations and their replacement by the global *umma*, or community of Muslims.¹⁹ In the meantime, the inherent fit between certain religions and certain pieces of land and groups of people justified and necessitated the adoption of *sharī'a* in Morocco. He wrote:

Those who have studied the sources of law confirm that it issues from societal thought [...] Whether from revelation or merely a human creation, it comes to fill an urgent need for the society; it comes from within a society to answer its [most pressing] questions [...] *Sharī'a* is, thus, specifically associated with the society that applies it.²⁰

Law was incubated within particular societies and developed to meet their needs. This was a remarkable reversal from the premodern theory of *dār al-Islām*, in which the imperium had to be expanded and *sharī'a* implemented at all costs. Fāsī adapted a sociological understanding of the law as a way to accommodate the end of the imperial order. This linkage between society, law, and territory allowed Fāsī's to temporarily circumvent the claim of Islamic or *sharī'a* universalism. This vision resembled the Westphalian notion that religion could be conditioned by borders. But, unlike the Peace of Westphalia, Fāsī was proposing that the religion and religious-legal circumstances of particular places were a function of the sociological context, rather than the decision of the political leader. His was a functionalist vision of society that had elements of legal relativism. Binding law and a people together paved the way for him to make the case for a natural fit between Morocco and Islamic law.²¹ It was important that this was the first step towards the eventual universalization of Islamic law. This two-step process took on a theological cast in Fāsī's writings. The

¹⁹ See, for example: 'Allāl al-Fāsī, *Difā'an 'an waḥda al-bilād* (Rabat, Morocco: Mu'assasa 'Allāl al-Fāsī, 2009 [1960]), 9.

²⁰ Al-Fāsī. *Difā'an al-sharī'a*, 33.

²¹ *Ibid.* 34-36.

movement from the naturalization of *sharī‘a* within Morocco to the universalization of Islam was a form of theodicy in his thought.

The notion that religion and land were deeply integrated—that different religions naturally occupied different locations on the globe—suffused Fāsī’s entire geopolitical perspective. He used the terms “Christian nations” and “colonizing nations” almost interchangeably, indicating that Christianity and its expansionist ideology were locatable on the globe. He described the colonial project as the merger of the desire to acquire land and the desire to spread Christianity. “At its root, colonialism aims to acquire vulnerable lands for the benefit of Christian nations. Just as it wants economic gain, it wants the victory of Christianity.”²² Fāsī’s analysis made clear that the twin colonial goals of economic and spiritual gain were not really distinct. He showed that economic gain strengthened Christianity. This demonstrates that he saw religion not only as an abstract set of beliefs but as a geopolitical force. He often attempted to make the territorial ambitions of Islam seem more benign; but, as we will see, his analysis of the interaction between Europeans and Christianity betrayed this effort.

Theoretically, Fāsī’s vision shared something with that of his near contemporary, the problematic Nazi jurist, Carl Schmitt. In his *Nomos of the Earth*, Schmitt considered politics from an explicitly geopolitical perspective. He refined his notion of the political as the friend/enemy binary, as defined in his *Political Theology*, by inscribing it on the earth. To do so, he attempted to define *nomos* as something other than law. He wrote, “[*Nomos*], understood in its original spatial sense, is best suited to describe the fundamental process involved in the relation between order and

²² Ibid. 29.

orientation.”²³ Nomos was, “the fundamental process of apportioning space.”²⁴ Thus, nomos was the coming into being of order through the apportioning and appropriation of space. The earth was “mother of the law.” She (the gendered language is Schmitt’s) gave birth to law through her fecundity and through the borders that arose on her, at the edges of gardens, at the limit of forests, etc., which were then manifested above her as fences and walls.²⁵ Importantly, Schmitt relied on the Islamic legal distinction between the Abode of Islam and the Abode of War to demonstrate how the border inaugurated a distinction between friend and enemy and between order and chaos. Schmitt’s language ascribed agentival status to the earth, erasing the notion that humans erected boundaries intentionally. This helped Schmitt solve a problem unanswered by *Political Theology*, that is, the historical reality of multiple *nomi* and multiple sovereigns to go with them.

Fāsī was solving a similar problem when he spoke of the union between particular law and particular regions and people. Of course, Fāsī did not go so far as to make the Earth the agent of law. On the contrary, he often shied away from ascribing too much power to the earth or territory. Its fecundity was only realizable by humans, the vicegerents of God, through the institution of a proper infrastructural/structural realization of revealed norms. But his geographical attunement made clear that there was, for Fāsī, an element of “orientation,” (as Schmitt would have it) that was supplemental to the “order” of *sharī‘a*. *Sharī‘a* encoded a particular spatiality, which Fāsī tried to adapt to the nation-state. Despite their differences, both Schmitt and Fāsī linked land, *nomos*, and people. For Fāsī,

²³ Carl Schmitt, *The Nomos of the Earth*, 67.

²⁴ *Ibid.*, 78.

²⁵ *Ibid.*, 42.

understanding and adapting the spatial aspect of Sharia to the nation-state as it arose in Morocco was key to casting off the legacy of colonialism.

Just as Fāsī (and his associates) claimed that Morocco would not be free until all of Morocco was free, he argued that the country would not be free until it regained its true Islamic character. In his 1966 work, *Defense of Sharī‘a (Difā‘ ‘an al-sharī‘a)*, Fāsī said that that meant decolonization of the law. He wrote:

We cannot say we are free from foreign colonialism by merely announcing political independence [...] or by bearing the name Moroccans [*maghariba*],” according to the rule of a ministry, the administration, or the judiciary. If this is independence, why do we find ourselves in the sort of difficulties we are now experiencing? Why do we deserve all these hardships? [The answer is that] we are not motivated by our own identity or by the ancestors who oblige us. The one who rules in our land does not have our blood [in his veins].²⁶

As the book’s title would imply, *Defense of Sharī‘a* was an argument for the utility of Islamic law in the contemporary period.²⁷ The title does not indicate, however, just how Morocco-focused the text was. Fāsī often used the first-person plural to refer not just to Muslims but also to Moroccan Muslims in particular. Large sections of the work unfolded a history of law in the Maghreb. The point was to show how Moroccan/Maghrebi selfhood was a merger of genealogical descent and filiation with a particular law. Fāsī searched for a national identity or personhood that went beyond what could be encapsulated by a common name (“Moroccans”/“Maghrebis”), conferred by participation in shared national institutions. Key to reconnecting with the true Moroccan self and definitively casting off French and Spanish colonial rule was reestablishing the dominance of Islamic law.²⁸ Islamic legal institutions could be separated from the national ministries, executive administration, or judiciary because

²⁶ ‘Allāl al-Fāsī. *Difā‘ ‘an al-sharī‘a*.

²⁷ March notes that it a distinctive trait of 20th century Islamic thought that Muslim intellectuals felt they needed to defend Islam law against other legal systems. March, “Naturalizing Sharī‘a,” 47.

²⁸ *Ibid.*, 30.

sharī'a was the law of the ancestors. *Sharī'a* was the “blood” that flowed through the Moroccan body. This gave it a primordial cast, showing it to be interwoven with the very genetics of Moroccans. This was only partly fictive. With its focus on laws of paternity and inheritance, Islamic law *had* shaped Maghrebi genealogy through the Islamic period. Fāsī's project in *Defense of Sharī'a*, then, was to demonstrate the inseparability of Islamic law and Moroccan genealogy.

Fāsī's search for a Moroccan “self” is open to various forms of critique. It was, on the one hand, the fiction of the communal person or imagined community that is endemic to the nation-state.²⁹ Fāsī projected this selfhood backwards onto an imagined history in which *sharī'a* had united the Far Maghreb. The idea that there was a coherent, primordial, Maghrebi-self rested on a notion of genealogy. Thus, he spoke of (national) identity but also ancestral lineages. Here too he could be critiqued for presupposing a uniformity of rules of kinship and application of Islamic law in the precolonial Maghreb. Indeed, contests over these issues would become central to the struggle over the Western Sahara in the last quarter of the twentieth century. Yet to see Maghrebi selfhood as purely a late nineteenth/twentieth century colonial invention—and, even more, an invention of the *colonizer*—is to ignore the longer history of changes (discussed in Chapter One) that produced a sense of the Maghreb as a distinctive part of the Abode of Islam as early as the fifteenth century. Fāsī asked the question: from where do we get the name Maghrebi? He wanted to answer by reaching past national institutions, such as the bureaucracy that would issue a passport bearing the name “Morocco/Maghreb.” Instead, he argued that the name Maghrebi was conferred by an older corporate identity, the toponym of medieval Muslim

²⁹ See: Anderson, *Imagined Communities*.

chroniclers and cartographers, *al-maghrib al-āqṣa*. This was the impulse for the idea of Greater Morocco.

Fāsī's particular attention to land in *Defense of Sharī'a* demonstrates this ambiguity between a fictive national selfhood and a fictive genealogical-Muslim selfhood. He argued that reclaiming Moroccan territory meant much more than an administration change, it meant the establishment of a law that was true to Moroccan character on Moroccan soil. How did Fāsī understand *land* in these formulations? He cited Qur'an 59:9, which speaks of, "those who were already firmly established in the abode [*dār*, i.e. Medina], and firmly rooted in faith."³⁰ The word "abode" in its Qur'anic context is referring, most obviously, to Medina; but Fāsī employed the verse to speak of the Maghreb. He wrote, "In the Maghreb alone we find our place of acceptance [*mutabawwa'anā*] in land and in faith."³¹ As evidence of this, Fāsī referred to his own family's expulsion from Andalusia and the safe haven that the Maghreb provided for them.³² He perfectly repeated Wansharīsī who, as we have seen, argued that the Maghreb was uniquely situated to provide for Muslim flourishing after the fall of Cordoba. For Fāsī, "land" (*al-ārd*) and "faith" (*al-īmān*) were not just parallel terms. They were intertwined. Fāsī continually linked faith—and related terms, like religion (*dīn*) and *sharī'a*—to land and the Moroccan territory. He theorized an almost natural alliance between a land and a faith. Of course, Fāsī realized that North Africa was not always Muslim. To deal with this fact he reiterated a trope from his colonial-era writings: Islam had been peacefully accepted into the

³⁰ Translated by M.A.S. Abdel Haleem, with some modifications by the author. *The Qur'an: A New Translation*. Translated by M.A.S. Abdel Haleem. New York: Oxford University Press, 2010, 366.

³¹ Fāsī. *Difā'an al-sharī'a*, 36.

³² *Ibid.*

region.³³ Thus, it was not only that the faith accepted the land; the land also welcomed the faith. Faith and land were bound together, like two hands clasped.

Fāsī was, however, wary of giving too much credence to the notion that land was that which produced Moroccan selfhood. Instead, he strove to make law central to his analysis. Law could be understood as that which bound a people to a land. He wrote, “A nation [*waṭan*] is not only a land. Rather, it is a land and what is on it, which people live there, which creedal doctrine [*aqīda*], which from amongst religious laws [*sharāʿī*], and which style of life [flourishes there].”³⁴ Fāsī was anxious about letting land define Morocco because he saw the legacy of colonialism in this territorial definition of the polity. To elide colonial rule, he erected a memory of Muslim solidarity in the Maghreb. The land was necessary only inasmuch as it allowed him to theorize about “what is on it”—the theological and legal structures that created a life for the people there. Fāsī relied on an imagination of a coherent genealogy that linked Islamic law to Muslim flourishing in the Maghreb and its roots in Wansharīsī fifteenth-sixteenth century thought. Fāsī tried to deemphasize the role of the sovereign in this story. When he wrote “The one who rules in our land does not have our blood [in his veins],”³⁵ he did not make his target explicit. Was it the abstract sense in which colonialism endured through the legacy of its institutions? Or was this a direct critique of King Hassan II? He did not offer an explicit answer but his intent in *Defense of Sharia*—which was published after the succession of Hassan II and the failure of the concept of Greater Morocco at the U.N.—was to marginalize the role of the monarchy.

³³ Fāsī, *Difāʿ ʿan al-sharīʿa*, 34.

³⁴ *Ibid.*, 36.

³⁵ Fāsī, *Difāʿ ʿan al-sharīʿa*.

In Islamic thought, the political-theological question, by which I mean the way in which the political community and religious order are related, or, differently stated, the relationship between power and salvation,³⁶ circled around two poles: the political leader and the *sharī‘a*, as enacted and envisioned by independent jurists. While no Sunni thinkers ever gave absolute dominance to either side, it is clear that certain thinkers gave greater latitude to the ruler, while some vested more power in the hands of the jurists. The great Abbasid judge, ambassador, and political theorist, Abū al-Ḥasan al-Māwardī (d. 1058), is usually placed strongly in the caliph-centric camp.³⁷ Interestingly, however, Fāsī quoted him in support of a jurist-centric model of Islamic governance. He quoted from Māwardī’s famous, *Ordinances of Governance (Al-Aḥkām al-sultānīya)*, “The Muslim judge [*qāḍī*] is the ultimate authority [*al-marja‘ al-nahāī*] in [deciding] between opponents.”³⁸ While this quote seems to give relatively modest power to the judge, Fāsī interpreted it to have vast political ramifications, elevating the judge to a position higher even than the leader. That Fāsī used Māwardī in this way only indicates the latter’s status as one of the most influential Muslim political theorists. Elsewhere, Fāsī also worked to invest judges and the *umma* at large with power exceeding that of the sovereign.³⁹ Yet, he was not at all ready to abandon the institution of the kingship or its religious connotations. The king was to be merely its guarantor. Fāsī’s irredentism was a means to circumvent the colonial and postcolonial centralized state and return to a memory of governance through Muslim solidarity. In this he was most different from Schmitt.

³⁶ Jan Assmann, *Herrschaft Und Heil: Politische Theologie in Altägypten, Israel Und Europa*. München: Hanser, 2000, quoted in Ebrahim Moosa, “Muslim Political Theology: Defamation, Apostasy and Anathema,” *Heinrich Böll Stiftung Middle East* 3 (March 2013). <http://lb.boell.org/en/2014/03/03/muslim-political-theology-conflict-intl-politics>.

³⁷ See, for instance: Ovais Anjum, *Politics, Law and Community in Islamic Thought: The Taymiyyan Moment* (New York: Cambridge University Press, 2012), 117-125.

³⁸ Al-Fāsī. *Difā‘ an al-sharī‘a*, 19.

³⁹ Al-Fāsī. *Difā‘ an al-sharī‘a*, 79-116.

What was it specifically that Fāsī believed made Islamic law appropriate for the Maghreb? One of his answers was that the Mālikī concept of “tolerance” (*tasāmuḥ*). This concept, he argued, allowed Jews to be tried in Muslim courts, just as it allowed Moroccan monarchs to contract with Christian nations. By ensuring that all were tried according to the same law, tolerance allowed for the uniformity of the legal application, which Fāsī held up as *sine qua non* of a good legal system. However, tolerance was open to exploitation. According to Fāsī, the years leading up to French colonialism in Morocco saw manipulation of the Mālikī concept of toleration by Christian nations, which eventually bent Islamic law to their own purposes.⁴⁰ From a historiographical standpoint, it is refreshingly anti-Eurocentric to see Islamic law as the motive force of Moroccan legal history, including its colonial history. Here, Fāsī weighed in on a global debate about the status of legal pluralism in the colonial period.⁴¹ He argued that legal pluralism had once provided for a situation that allowed for the synchrony and overlap between various legal systems. By the later colonial period, however, legal pluralism had become a tool of control employed by colonial powers. Fāsī understood the Berber Decree of 1930, which intended to make Berbers subject to traditional law and Arabs subject to Islamic law, as the colonial exploitation of legal pluralism to nefarious ends.⁴² Of course, Fāsī argued that Morocco’s law was the *sharī’a* of Islam. Beyond the individual aspects of the law that Fāsī promoted, he argued that there was an inherent fit between Islamic law, Morocco, and the Moroccan people.

⁴⁰ Al-Fāsī, *Difā’ an al-sharī’a*, 15-25.

⁴¹ A more nuanced and contemporary argument is found in Lauren Benton’s *Law and Colonial Cultures*, which convincingly demonstrates how a history of interaction, in the form of overlapping jurisdictions, was a driver of global legal change that led to the development of the nation-state system and global capitalism. See: Lauren A. Benton. *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*. Cambridge, U.K.: Cambridge University Press, 2002.

⁴² Al-Fāsī, *Difā’ an al-sharī’a*, 36-38.

Like Schmitt, Fāsī risked naturalizing particular power arrangements. Schmitt scorned the nation-state system and looked back on the age of empires with a sense of nostalgia. The power of empires, for Schmitt, was their realization of the “*nomos* of the Earth.” Similarly, Fāsī’s hoped that humanity would see *sharī‘a* as a natural realization of its innate nature, *fiṭra*. In the meantime, he understood *sharī‘a* to be the natural condition for Morocco. Fasi was most unlike Schmitt in that he did not believe the sovereign to be other than God. For Schmitt, the sovereign was he who decided the exception.⁴³ Thus, the law could only be implemented if there is one who stood outside of the law. Fāsī did not see the need for this form of sovereignty. Sharia did not exist by virtue of its opposite—the exception—and the one who could suspend the law. Sharia existed as an indispensable component of North African society. In order to recover it—and to return to a situation in which governance was not vested in the hands of the earthly sovereign but in the law—Fāsī began to recall Greater Morocco. The recollection of this territory was a means of returning to this version of Islamic governance. This was the memory that Fāsī began with. He set about creating an archive in the service of the memory.

Greater Morocco

“Is there a better piece of evidence that Mauritania is a part of Morocco than the customs [*taqālīd*] of the princes who answer to the royal palace?”⁴⁴ ‘Allāl al-Fāsī posed this rhetorical question in his semi-regular column, “So That We Don’t Forget” (*Kay lā nansā*), in *Ṣaḥarā’ al-maḡhrib* (*Morocco’s Sahara*).⁴⁵ The bi-monthly newspaper, which Fāsī also edited, only ran in 1957 and 1958, with a very limited run in 1959.⁴⁶ One wishes that the paper was around long enough to register a number of

⁴³ Carl Schmitt, *Political Theology*, 5.

⁴⁴ ‘Allāl al-Fāsī, *Kay lā nansā* (Rabat: Maṭba‘a al-Risāla, 1980), 241.

⁴⁵ Al-Fāsī’s “*Kay lā nansā*” columns were collected in a book of the same name.

⁴⁶ *Ṣaḥarā’ al-maḡhrib* should not be confused with the later publication *al-Ṣaḥarā’ al-maḡhrib* (*The Moroccan Sahara*).

events, including the independence of Algeria and Mauritania, and the UN's rejection of Morocco's claim on Mauritania. It is, nevertheless, a valuable resource for understanding the intersection between Moroccan territorial sovereignty and religion in the first years of the country's independence. The title of Fāsī's column, "So That We Don't Forget," argued that there was evidence for Moroccan sovereignty over the Greater Maghreb that was once common knowledge but that was on the verge of slipping out of the collective consciousness. Though the land of Greater Morocco had not been united for a very long time, Fāsī writes as though an older generation of Moroccans remembered their common religio-political bond with people in all these territories. The content of each column brought together pieces of evidence with Fāsī's reflections on them. The fevered way in which Fasi wrote left little doubt that his attempt to create a Greater Morocco archive was more than the preservation of a memory, where memory is thought to be an epistemically verifiable account of what happened. Instead, Fāsī wanted to make his "memory" of a united Maghreb available to the Moroccan public. The archive was not, as the French philosopher, Paul Ricoeur would have it, the "poisoning" of a memory by moving it from the fullness of orality onto an inevitably incomplete written record.⁴⁷ Rather, the archive was haunted by a phantasmic memory, a memory which was already written down as history. Fāsī sought to elaborate this history as memory, "so that we don't forget."⁴⁸

Fāsī's pithy quote about Mauritanian princes answering to the Moroccan palace out of custom, points to a number of issues discussed in the newspaper. Many of Morocco's claims on the southern territories were (and continue to be) based on the relationship between local notables and the Moroccan sultan or king. Fāsī put this

⁴⁷ Paul Ricoeur, *Memory, History, Forgetting*, trans. Kathleen Blamey and David Pellauer (Chicago: University of Chicago Press, 2005), 196.

⁴⁸ See: Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago: University of Chicago Press, 1996), 92.

plainly in his musings on that spring day in 1958. But the language he used showed considerably more complexity underlying the simple statement. The term “*taqālid*” [sing: “*taqlid*,”] which I have translated as “customs,” has Islamic legal connotations. Most commonly it means to ascribe to the judgment of one’s superior or an ancestor in a school of law.⁴⁹ Here it refers to the binding and genealogical custom of princely filiation to the Moroccan monarch. Fāsī’s argument was that the custom of princes showing filiation to the Moroccan sultan took on the force of law and demonstrated shared sovereignty throughout the region. The very idea of semi-autonomous princedoms, though, was different from the uniform sovereignty of the nation-state that Moroccan irredentists imagined. Fāsī tried to fit the older form of sovereignty into the newer. To do so he argued that forms of horizontal, popular Muslim solidarity could be seen operating beneath the acts of allegiance that Mauritanian princes gave to the Moroccan sultan. Fasi proposed that the unity of Muslims throughout the region could be translated into the uniform distribution of power that was presupposed by the concept of territorial sovereignty. If, as the postcolonial theorist, Achille Mbembe, argued, premodern North African territoriality appeared as intermittent and itinerant phenomenon, Fāsī argued that this only demonstrated a deeper form of religious solidarity that disclosed its own form of popular-*cum*-legal sovereignty.

Fāsī’s column continued:

The Moroccan Kingdom is not one of those kingdoms that was built on colonialism after a great war and it’s not one of those republics that was constructed on colonialism either. The kingdom is one of deep seated nobility, rooted in the spirits of people [*nufūs*], its glory derived from prophethood.”⁵⁰

⁴⁹ Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl al-Fiqh* (Cambridge, UK: Cambridge University Press, 1997), 121-3.

⁵⁰ Fāsī, *Kay lā nansā*, 241

This, then, was Fāsī's answer to those critics who would accuse Morocco of having absorbed an imperial ideology. By referencing human essences or souls (*nufūs*), he asserts that the Moroccan kingdom was built on relationships between people. By using "prophethood," Fāsī indicates the Sharifian nature of the Moroccan monarchy, the existence of which he did not dispute; and he also demonstrates the orientation of the greater community to the prophetic message. He put this form of solidarity in direct opposition to colonialist states, be they monarchies or republics. Implicitly, he opposed the horizontal politics of human-to-human relationships to the colonial desire for territory. This was similar to Fāsī's sentiment, quoted above, that the nation was not defined only by territory, but also by the people and ideas that lived on that territory. Yet, the articles in *Ṣaḥarā' al-maghrib* dealt constantly with territorial issues. They referenced borders over and over again. In other words, Fāsī and the other writers in the newspaper were not blind to the notion that territorial sovereignty was the order of the day. Their ultimate goal was not to reestablish uneven personal relationships between tribal leaders and the Moroccan monarch, but to institute uniform territorial sovereignty. Why, then, did they rely so strongly on tropes of Islamic communalism and caliphal sovereignty?

It would be possible to read Moroccan irredentists' appeal to personal and prophetic sovereignty as merely a ruse for their material motives. Many scholars do so when attempting to account for the far more studied issue of the Moroccan claim on the Western Sahara a decade later. The appeal to these forms of sovereignty was certainly a rhetorical strategy, designed to rally the readership of *Ṣaḥarā' al-maghrib* to the cause. The unmitigated opposition between these Islamic forms of sovereignty and colonial forms should be questioned. At the same time, an altogether suspicious reading denies Moroccan irredentists one of the only tools at their disposal. An appeal

to history was central to proving their claim on the territory, as it is in any territorial claim. The demand that historical sovereignty meet all the requirements of contemporary territorial rule will always come up short, because it is only with the advent of modern technologies of surveillance and control that territorial sovereignty became possible.⁵¹ In the absence of such evidence, the writers at *Ṣaḥarā' al-maghrib* interpreted history to show continuity with the present condition.

Ṣaḥarā' al-maghrib was replete with historical essays and surveys, all designed to prove the connection between the territories of Greater Morocco. Commonly, authors of these histories began with the Roman conquests of North Africa, followed by the Arab conquests, and a rapid account of the dynasties that sat in the great imperial cities of Morocco. A semi-regular piece called “*Naḥnu wa al-tārīkh* [History and Us],” set out to educate “Moroccans” (including those who did not consider themselves to be Moroccans) about their history. An installment in the November 7th, 1957 issue, for example, covered the span of Moroccan history from the Roman settlements to postcolonial irredentism in a page and a half.⁵² Most of the article was a thumbnail sketch, but more detail came early in the text when the author, the otherwise unrecorded, ‘Abd al-Raḥman al-Qabāj, included two quotations. The first was from the commander responsible for the Arab conquest of North Africa, ‘Uqba ibn Nafi’ (d. 683), who reportedly said, “Oh Lord...I embarked on this roiling sea [of sand] by horse so that I might spread Your Awesome Name to the furthest reaches of the earth.”⁵³ The second was from Idrīs II (d. 828), the founder of Fez, who reportedly said, “Oh Lord, I create this city [*al-balad*] as a dwelling place for knowledge [*al-‘ilm*] and wisdom [*al-ḥikma*]. [I build] this house [so] that that You are

⁵¹ Elden, *The Birth of Territory*, 322-330

⁵² ‘Abd al-Raḥman al-Qabāj, “*Naḥnu wa al-tārīkh*,” *Ṣaḥarā' al-maghrib*, November 7, 1957, 2-3.

⁵³ *Ibid.*, 2

followed [here] and your *sharī'a* stands in it.”⁵⁴ The inclusion of these quotations at the beginning of the article served to consecrate the history that followed, marking the land—“the furthest reaches of the earth”—as a Godly one. The narrative of the article linked the Moroccan dynasties together, each of them leading to the next, creating the sense of a seamless trajectory, a nation with only incidental changes in administration. All led to the ‘Alawi dynasty, the rise of which was swiftly followed by colonialism, postcolonialism, and the attempt to regain lost lands. The piece relied on a presumed historical continuity and unavoidability to argue for the *marocanité* of the desert. It concluded, “[The Sahara] has always been connected to Morocco, how could it be chopped off now?”⁵⁵

Articles in *Ṣaḥarā’ al-maghrib* also tried to downplay Morocco’s historical struggles with other Muslim states. In an August issue from the same year (1957), ‘Allāl al-Fāsī transcribed a speech he gave in the northwestern Moroccan city of al-Qaṣir al-Kabīr. It was a long-form article called “We Will Never Recognize the Borders Set by Spain and France in Mauritania.”⁵⁶ The headline notwithstanding, it focused on the Sa‘di dynasty’s (1549 - 1659) conflict with the Portuguese. Fāsī narrated the events leading up to and following the 1574 Battle of Wādī Makhāzen. The battle, named for the valley around al-Qaṣir al-Kabīr, was called the Battle of the Three Kings by Europeans because it involved two Sa‘dian hopefuls, the son and the brother of the previous ruler, Mawlāy ‘Abd Allāh (d. 1574), and the Portuguese king, Sebastian (d.1578). The son, Muḥammad ibn ‘Abd Allāh (d. 1578), had been defeated by his uncle, Mawlāy ‘Abd al-Malik (d. 1574), who was aided by the Ottomans. Hoping to regain his glory, Ibn ‘Abd Allāh, struck a deal with Sebastian, who had

⁵⁴ Ibid.

⁵⁵ Ibid, 3.

⁵⁶ ‘Allāl al-Fāsī. “*Lan na‘arrāf bi al-taḥdīdāt allat taḍa‘ahā isbānīā wa faransā fī mūrītāniyā,*” *Ṣaḥarā’ al-maghrib* August 14, 1957, 3-11.

long dreamed of conquering Morocco. None of the three kings rode away from the battle; but Ibn ‘Abd Allāh and Sabastain had lost. As Fāsī gleefully pointed out, the Portuguese defeat was so devastating that it led to the temporary folding of the Portuguese crown into the Spanish Empire.⁵⁷ For Fāsī, this was a morality tale about the perils of capitulating to European influence. He conjectured that, if the Portuguese had won, European colonialism (*al-isti‘mār*) in Morocco would have begun much earlier.⁵⁸ He heaped scorn on Ibn ‘Abd Allāh for his relationship with Europeans; but described the potentially more dangerous relationship between ‘Abd al-Malik and the Ottomans in far more forgiving terms. Next, he related how Mawlāy Aḥmad (a.k.a. al-Manṣūr al-Dhahabī d. 1603), another brother of the late king, Mawlāy ‘Abd Allāh, pushed the Portuguese back from the Moroccan coastline and went on to spread his influence as far as the western Sudan, or present-day Senegal.⁵⁹

Fāsī understood this sixteenth century Portuguese activity in Morocco to be motivated by the dual desire for material exploitation and spreading the Christian faith,⁶⁰ just as he would later describe twentieth century colonialism in *Defense of Sharī‘a*. In neither case did he describe the desire of European powers to convert Muslims to Christianity. The goal of the Crusaders, just like the colonialists centuries later, was to spread the geopolitical influence and might of Christianity. Fāsī opposed this Christian impulse to Islam, which, he insisted, was more concerned with the government of human beings than territory. He noted that the “planting of the flag” of the Sa‘dian Empire in these far-flung regions was done so that it could spread the “call of Islam [...] all over Africa.” But, Fāsī sometimes had to abandon this neat dichotomy between Christian and Muslim forms of governance. For example, he

⁵⁷ Ibid., 5-7.

⁵⁸ Ibid., 7-8.

⁵⁹ Ibid., 8.

⁶⁰ Ibid., 3.

related that it was only the neglect of *sharī'a* that led to Ibn 'Abd Allāh's tryst with the Europeans and their territorial gains in North Africa:

The initial agreement between the traitor [Ibn 'Abd Allāh] and the foreign king [Sebastian] extended to [a merger of] arms and armies, which ignited a fierce war against the *sharī'a* [Islamic legal] system of the Maghreb, so much that [Ibn 'Abd Allāh] was able to seize the throne and completely abandon the coasts of the Maghreb so that they became a Portuguese possession.⁶¹

Here, it is significant that the abdication of—or aggression against—*sharī'a*, led to the loss of coastal territory. While he tried to maintain a firm line separating Christian territorial ambition from Islamic law's concern with the governance of human beings, the interaction between these geopolitical-theologies obliged him to discuss both within a territorial framework. The ontological qualities of territory—its requirement that people share or fight over the same space—prompted a negotiation in which these political-theological theologies maintained distinct identities but were both forced to contend with this moment of imperial history in which powers competed over land for the construction of trading posts. This is why Fāsī claimed that the abandonment of *sharī'a* caused the loss of territory, rather than people, to Christianity: the scramble for land during this period caused him to reconceptualize Muslim political theology as the government of territory rather than people. The land and new political contentions over it forced a relational understanding of theologically inflected politics.

In narrating Moroccan history, Fāsī switched, sometimes jarringly, to contemporary events, connecting them to the historical events as he narrated them. He editorialized that the events at Wādī Makhāzen were important because they allowed al-Manṣūr al-Dhahabī to “recapture” Tūāt and Takrūr, which are in the middle valley of the Senegal River. Demonstrating Morocco's rightful claim on these territories

⁶¹ Ibid., 4.

allowed him to turn to chiding Spain and France for their present colonial aggression.⁶² Toward the end of the article he wrote:

Our celebration of the memory of [the events] at Wādī Makhāzen demonstrates that the amount of wealth that our country obtains whenever it brings its Islamic movement together with nationalism, each led by a virtuous man, and whenever there is complete harmony between the people and the throne.”⁶³

Again, Fāsī projected a uniform understanding of nationalism back onto the past. He positioned religion and nationalism as distinct spheres that could be brought together to foment a powerful movement. He imagined that the political leadership and the populous were united to the extent that the one did not have coercive power over the other. The sentence constructed a parallel between Islam and the people, on the one hand, and nationalism and the throne on the other. Together they generated great wealth for the country. This was a moment of memorializing and of archiving al-Manṣūr al-Dhahabī’s military success. Rather than a reminiscence about the nationalist-Islamic movement leading to a memory of wealth, the wealth served to recall a moment of harmony between Islam and politics, populous and throne. Fāsī hoped that this reminder of Morocco’s former imperial grandeur would rekindle a form of harmonious Islamic politics. That religion and nationalism were so forcefully combined in this sentence is no surprise, coming from such a staunch nationalist. What is surprising is the fidelity of his historical claim, at least as it related to the Sa’dian Empire under al-Manṣūr al-Dhahabī.

As the historian of North Africa Stephen Cory shows, the renovated institution of “sharifian ideology of political legitimacy” under the Sa’ids, and bequeathed to the ‘Alawis, allowed for unusual dominance for the Sa’ids and unusual longevity for the

⁶² Ibid., 6.

⁶³ Ibid., 7.

‘Alawis.⁶⁴ Echoes of Khaldunian cycles ring in Fāsī’s attempt to put the story of the Battle of Wādī Makhāzen to a particular use. Manṣūr’s objectives in spreading his empire remain as ambiguous as Moroccan postcolonial irredentism. Was Manṣūr’s motivation purely to fill the empire’s coffers, as is indicated by his *laqab*, “The Golden” (*al-Dhahabī*)? Or was it, as he claimed, to unite Muslim lands as caliph? As Cory’s analysis demonstrates, these motives are not so easily separable. Relying on contemporary and near-contemporary chronicles, Cory shows that Manṣūr’s desire to restore the universal caliphate motivated him.⁶⁵ Yet, even if his desire was to “return” Islam to one of its precepts, one could equally see selfish motives. As we have seen, the same debate surrounded Moroccan irredentism. The exponents of Moroccan sovereignty in Mauritania were strident in their claim that they wanted only to reunite sundered lands for reasons of historical legitimacy, not to enrich the country. Manṣūr’s story, though, left Fāsī open to the criticism that Morocco’s twentieth century claim on a territory like Tūāt was based on a previous moment of Moroccan aggression. For this reason, Fāsī struggled to emphasize the purity of Manṣūr’s motives. In Fāsī’s narrative, religion emerged precisely because of this conundrum: from beneath the ground of material motivation comes that which gives actions their true character. This is why Fāsī emphasized Manṣūr’s spread of Islam. Fāsī could only show how Islam was concerned with rule over people by comparing it to the much more nefarious territorial motivation inscribed in Christianity. In other words, there could be no political theology without comparison. The earth was the ground against which these comparisons were made.

⁶⁴ Stephen Cory, “Breaking the Khaldunian Cycle? The Rise of Sharifianism as the Basis for Political Legitimacy in Early Modern Morocco,” *The Journal of North African Studies* 13, no. 3 (2008): 377-394.

⁶⁵ Stephen Cory, “The Man Who would be Caliph: A Sixteenth-Century Sultan's Bid for an African Empire,” *The International Journal of African Historical Studies* 42, no. 2 (2009): 198-200.

The issue of sovereignty over people versus sovereignty over land comes up numerous times in the course of this dissertation. While it is clear that political history saw a shift in how these two forms of sovereignty were conceived, the secondary literature is not in agreement on the nature of the shift. Foucault, for example, argued that sovereignty over people, in the form of populations, represented a later development.⁶⁶ In his work, *The Birth of Territory*, the geographer, Stuart Elden, shows that the opposite was true. European monarchs shifted their titles to reflect their rule over lands rather than people, as they realized that rule over lands would be all encompassing.⁶⁷ Unfortunately, both Elden and Foucault focus on Europe, with little to no reference to the political history of other parts the globe or even Europe's colonial interaction with them. The preference for sovereignty over people, even in the nineteenth century, was not uniquely Islamic, as many have claimed. The Treaty of Lalla Marnia (1845), for instance, saw France and Morocco agree that, rather than drawing a firm line through the southern border regions between Algeria and Morocco, rule should be over tribal groups. This agreement was revised and struggled over after the region was found to be rich in minerals. That struggle would continue until the War of the Sands (1963), in which Morocco tried to retake Béchar and Tindouf.⁶⁸ Only by studying such global and international interactions will we get a sense for how the concept of national territory came into being and how it remains undecided.

⁶⁶ Michel Foucault. *Security, Territory, Population*, 255-284.

⁶⁷ Elden, *The Birth of Territory*, 213-232.

⁶⁸ Morocco lost the war but was granted rights of exploitation over the minerals in the region.

The case of early postcolonial Moroccan irredentism shows that, while territorial sovereignty ruled the day in the mid-twentieth century, it was still punctured by the claim to sovereignty over people and the demand for the right to self-determination. In other words, Fāsī and his associates knew that it would be meaningful to their readership (if not international governing bodies) to argue that their claim over the southern territories was based on acts of fealty Mauritanian and Saharan princes had shown to the Moroccan sovereign. These acts were meant to demonstrate the personal nature of Moroccan-*cum*-Islamic governance. In early modern and medieval Muslim polities, though, foundational political acts, like the *bay'a*, or the pledge of allegiance to the ruler, were simply part of the communal order and were not classifiable into the modern categories' of "religious" or "secular." In the late nineteenth and early twentieth century, when the Saharan religious and political leader, Ma' al-'Aynayn (d. 1910), gave *bay'a* to the Moroccan sultan, it had the distinctly modern character of an act of anti-colonial defiance. But, by the mid-20th century, these political acts were used by Fāsī to give a softer character to Morocco's claim of sovereignty. Religion was something that resided, according to Fāsī, "on the land," giving the land its character over the centuries. Much of the Moroccan irredentists' case for Greater Morocco relied on the *bay'a*. It was useful both because it actually did demonstrate ties between the Moroccan throne and parts of Greater Morocco and because it came out of a long history of Muslim political thought. Fāsī was thus able to champion *bay'a* as an authentic representation of the Maghreb's Islamic identity. However, this institution also presented a problem for Fāsī and his associates. As we have seen, Fāsī wanted to curtail the centrality of the monarchy. He envisioned it as a unifying element of Greater Morocco, though a weakened and largely symbolic role as compared with the power of jurists and forms

of organic solidarity. He attempted to theorize the pledge to be a horizontal and mutual exchange of allegiance between the king and local leaders that symbolized the equality of Muslims in the realm. However, the monarchy was an indispensable element in his dream of uniting a Greater Morocco. The conundrum was that Fasi's aim was to recall a precolonial context of mutuality and Muslim solidarity over a vast swath of northwest Africa. To do so, he embarked upon an irredentist project that unfolded such a story. But to advocate for the reunification of these peoples he needed a conception of territory. Territory returned him to the importance of the centralized state in the form of the monarchy. Together with the other members of the drafting committee of Morocco's first constitution, Fasi had little choice but to invest the king with great powers to unify and defend the territory.

Allegiance to the Throne - Constitutional Sovereignty

It has been convincingly demonstrated that Moḥammad V (r. 1927-1953, 1957-1961) became a symbol for the Moroccan independence movement and a unifying force after independence had been achieved. Riding this wave of popularity, he secured a strong position in Morocco's political system for the 'Alawite monarchy.⁶⁹ What is less clear is the form this monarchical sovereignty took and its use of Muslim political theory. A close reading of the Morocco's first constitution of 1962 demonstrates that the renovated theory of the "Commander of the Faithful" was closely linked to Moroccan irredentism. Fāsī and 'Abd Allāh Gannūn both sat on the constitutional drafting committee. Both men were heavily involved in the irredentist movement as well as the effort to ensure the future of Islamic law in Morocco. For his part Gannūn contributed articles on the issue to *Ṣaḥarā' al-maghrib* as well as in the

⁶⁹ Susan Gilson Miller, *A History of Modern Morocco* (New York: Cambridge University Press, 2013), 151-161.

newspaper he edited, *al-Mithāq*. It is not difficult to imagine that both men had a strong and lasting influence on the Constitution as it was published in 1962. At the same time, that document reversed Fasi's impulse by locating religion and religious rule not with the people and the jurists who enacted the law, but with the sovereign himself.

Article 19 of the 1962 constitution, which is one of several articles under the heading "kingship" (*malikīya*), specified that:

The King is the Commander of the Faithful [*amīr al-mu'minīn*], a symbol of the unity of the nation [*ramz waḥda al-umma*], guarantor of the permanence and continuity of the state [*dawla*], protector of religion [*dīn*], vigilant in respecting the Constitution: He safeguards the rights and freedoms of citizens, groups, and organizations, and is the guarantor of the country's independence and the territory [*ḥawza*] of the kingdom with its true borders [*hadūdiha ḥaqqā*].

The relationship with the early Moroccan irredentist movement was clear. Article 19 forcefully combined the use of the title "Commander of the Faithful," with references to the protection of Morocco in its physicality and geographical space.⁷⁰ It further drew on the language of Moroccan irredentism that we have been considering. The emphasis on "unity of the nation" and "permanence and continuity" reflected the irredentists' attention to history and memory as that which legitimated the present. Most significantly, the article employed the language of "true borders," which is found again and again in works authored by Moroccan irredentists. It was not accidental that the constitutional article that gave the King the title "Commander of the Faithful," also tasked him with preserving Morocco's true borders.

⁷⁰ In theory, all actions that the king carried out under Article 19 were meant to be in the king's capacity as Commander of the Faithful. But even the text of this article is ambiguous. It is unclear if the phrase "Commander of the Faithful" modifies all that comes after it in Article 19, including his duty to safeguard Morocco's borders. In other words: Was it the King or the Commander of the Faithful who was to protect the rights of citizens, guarantee the country's independence, safeguard its borders *etc.*? While this ambiguity was already evident in the 1962 constitution, it was exacerbated in subsequent drafts of the constitution, up to but not including that of 2011.

The association between the “Commander of the Faithful” and protection of the Muslim polity has some precedent in pre-modern Muslim thought. First, it should be noted that the title had almost universal association with the caliph.⁷¹ For some it was deployed in the specific case of war (*jihād*); but the generality of Muslim jurists and political theorists used it as a broad protocolar title for caliphs.⁷² The Moroccan Constitution’s strong association between the Commander of the Faithful and of the realm was, then, linked to historical Muslim political theory; but it was also a re-contextualization of this caliphal role in the context of national borders.

The Constitution’s reference to continuity also echoed some classical Muslim political theory. The political theorist mentioned above, Māwardī, for instance, reported that when a conflict arose because two men claiming to be caliph, some of the *fuqahā*’ believed that the true caliphate should fall to the one who lived in the land [*al-balad*] where the previous caliph died. Māwardī’s own opinion was that the one who was named caliph first should retain the title.⁷³ This preference reflects perhaps his overall desire to find the best way to preserve the caliphate, even as it lost its real power to Buyid princedoms.⁷⁴ Nevertheless, Māwardī’s discourse on the topic demonstrates that one of the sources of legitimacy for Muslim political leaders had long been continuity with the past. In this historical mode of caliphal legitimacy, the land and the caliph reinforce one another’s continuity. To borrow phrasing from Ernst

⁷¹ A recent article argues that the title “‘Amīr al-mu’minīn” often connoted power below the level of the caliph in the premodern period. Nevertheless, moderns have most often perceived it to be a caliphal title. See: Richard Pennell, “What is the significance of the title ‘Amīr al-mu’minīn?’,” *The Journal of North African Studies*, 21, no. 4 (March 2016): 623-644.

⁷² H.A.R. Gibb. “Amīr al-Mu’minīn.” *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Brill Online, 2015. Reference. DUKE UNIVERSITY. 21 September 2015 http://referenceworks.brillonline.com.proxy.lib.duke.edu/entries/encyclopaedia-of-islam-2/amir-al-muminin-SIM_0617).

⁷³ Abū al-Ḥasan al-Māwardī, *al-Aḥkām al-sultānīya* (Kuwait: Maktaba dār ibn Qutayba, 1989), 10.

⁷⁴ Patricia Crone, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004), 232-233.

Kantorowicz's famous work *The King's Two Bodies*, the death of the caliph's material body in a particular land made possible the continuation of the body politic on that land. So too did the death of a caliph and the coming into being of a new one secure a particular land as seat of the caliphate.

The Constitution used the Arabic word “*ḥawza*” to refer to territory. The term did not have a storied history in thought about the space of the Maghreb. Instead, it—or a variant thereof—was used to refer to the area surrounding Marrakesh. The *Ḥawz Marrakush* referred to a swath of southern Morocco. The use of the term in the Constitution was an implicit rebuke to the pre-independence *coup d'état* that had its roots with the local leader of this region, Glaoui. Expanding the *Ḥawz Marrakush* to encompass all of Morocco dispossessed Glaoui and other hereditary local leaders of their claims. In premodernity, *ḥawza* did have a connotation similar to territory. A saying of the Prophet Muḥammad, for example, charges Muslims with protection of the *ḥawza* of Islam. Older meanings connoted the need to protect a field or pasturage. As the famous lexicography, the *Lisān al-‘Arab*, states that, in its most basic form, *ḥawza* referred to possession. The lexicographer, Abū Manṣūr al-Azharī (d. 980), stated that it was used to describe marriage contracts in which a man took possession not just of his wife but of her pudendum.⁷⁵ The king took possession of the *ḥawza* specifically in his capacity as Commander of the Faithful. The form of sovereignty described in the Constitution was, thus, one of possession, where the possessor was gendered male and the possessed was female. At the same time, the king-*cum*-Commander of the Faithful symbolized or metonymized the nation. His longevity and the longevity of the ‘Alawite line was made to be coterminous with the nation. The

⁷⁵ Quoted in: Edward William Lane, *Arabic-English Lexicon*, (New York, F. Ungar Pub. Co. 1955-56), 1:668.

hereditary and immemorial nature of the monarchy concealed the dispossession that is always implied by possession.⁷⁶

It was in his capacity as Commander of the Faithful that the King could protect Morocco's borders. But where were those borders? Their location would be addressed in the subsequent unfolding of the Moroccan irredentist movement. The constitution was also a moment of archiving, of preserving for the future a Morocco, or Greater Maghrib, which had not yet been realized.

Conclusion

This chapter demonstrates that, as their country gained its independence, Moroccan politicians and religious figures tried to theorize a form of Islam that was coterminous with the Moroccan nation. At this stage, they did not speak of "Moroccan Islam." Their claim was not that their Islam was different than that found in other places. They did, however, justify their desire to incorporate far-flung territories by making illusions to the Moroccan throne as a caliphate. At times the unity of the nation came dangerously close to being a metaphor for the unity of God, mirroring the pre-modern fiction that there was but one *dār al-Islām*.⁷⁷ Governmentality is perhaps an appropriate name for the irredentists' attempt to narrate Mauritania into the story of Moroccan religio-political history, particularly when this story was absorbed and re-narrated by the Moroccan state. But this chapter also demonstrates that the act of theorizing Muslim politics of the nation-state was but a modern iteration of the problem encountered by all Muslim polities: how to walk a line between the universal and the particular or, more precisely, how to make the particular stand for the universal. What changed was that the territory of Morocco was

⁷⁶ Article 20 of the 1962 Constitution made primogeniture the condition for selecting the new king.

⁷⁷ See, for example: Fāsī, *Difā'an 'an waḥda al-bilād*, 5-9.

increasingly made to be that universal. The territory represented the whole of the Abode of Islam. In 1960, Fāsī wrote:

God Almighty is responsible for uniting all of the Islamic community and returning unity, might, and glory to our nations. He exchanges our narrow feelings of nationalism for those of Islamic brotherhood and a binding together of the Muslim land, until the point that we become those who are settled in abode and faith [*al-dār wa al-īmān*]⁷⁸ and deserving of the caliphate of God on Earth by the rule that God’s Earth is inherited by His righteous servants.⁷⁹

Greater Morocco, Fāsī seemed to suggest, was the fulfillment of this theology. The Constitution gave force to what he had theorized: religion and territory were linked. But it reversed the flow. Where Fāsī had proposed irredentism as a way to return to a form of Muslim governance, the Commander of the Faithful was now the “protector” of religion.

As an anti-colonial nationalist, Fāsī dreamt of the lost dominance of Morocco, even as he also spoke of the eventual union of all Muslims. He used *sharī’a* to naturalize both potential political arrangements. Despite these dangers, Fāsī’s analysis was insightful. His linkage between law and people, on the one hand, and geographical space—and the economic affordances provided by particular places—on the other, remains helpful for our understanding of Moroccan irredentism. A debate about Morocco’s motives emerged in the wake of its takeover of the Western Sahara in 1975. The debate, which was also evident in the more ambitious, early irredentism that is the subject of this chapter, concerned the degree to which Morocco’s stated goals of uniting divided peoples-*cum*-coreligionists and territories could be taken at face value. Many claimed that its goals were far more cynical and economically motivated. Taking Fāsī’s theory seriously, however, means appreciating that these motives are inseparable. Fāsī’s analysis demonstrates that land exerts a force on the

⁷⁸ This is a reference to Qur’an 59:9, quoted above.

⁷⁹ Fāsī, *Difā’an ‘an waḥda al-bilād*, 9.

way communities are conceived and governed. In this sense, religion and land really were bound together. This insight will be useful as we turn to considering the role of religion in postcolonial Moroccan irredentism. Yet, the singularity of this memory—the notion that there was but one law for one people in the Maghreb—led him inexorably back to the problem of territoriality.

Chapter Four

The fall of 1975 was pivotal in the history of modern Morocco. Over the course of two months, decades of irredentist theorizing by Moroccan jurists and politicians came to a head. In the December of the previous year, the United Nations General Assembly requested that the International Court of Justice in The Hague offer an advisory opinion about the Western Sahara. Since the spring of 1975, the Court had been hearing arguments from Spain, Morocco, and Mauritania about which nation should control the erstwhile Spanish colony. In October, The Hague released its non-binding opinion in favor of Sahrawi self-determination, affirming the findings of the United Nations General Assembly. On that same day, Hassan II (r. 1962-1999 d. 1999) announced plans to lead a march of hundreds of thousands of Moroccans into the Western Sahara to claim it for Morocco. The event, known as the Green March, took place in November 1975, but only in truncated form. Behind the scenes, Spain negotiated a deal in which it ceded the northern half of the territory to Morocco and the southern half to Mauritania. Sahrawi nationalists, led by the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro (POLISARIO), quickly turned their guns from Spain to the countries they now regarded as colonial occupiers. Eventually, Mauritania would be unable to withstand the POLISARIO onslaught and Morocco would take over the southern part of the territory.

For the Moroccan state, the effects of these events were dramatic. Many have argued that the Green March effectively saved the Moroccan throne, which had been the object of some scorn and attempts on Hassan's life.¹ Today, the Western Sahara remains under the *de facto* control of Morocco. The Western Sahara is seen by many

¹ Jerome B. Weiner, "The Green March in Historical Perspective," 31-3; Stephen Zunes and Jacob Mundy, *Western Sahara*, 34-40.

Moroccans as an integral part of their national identity. As recently as March 2016, then Secretary General of the United Nations, Ban Ki-moon, caused an uproar in Morocco when he referred to Morocco's control of the region as an "occupation." Morocco reacted by ordering the removal of the U.N. peacekeeping force. The Secretary General later apologized; and peacekeepers were not removed.² A ceasefire has remained in effect since 1991; but successive peace talks and planned referenda have collapsed. International backers continue to divide their support between the POLISARIO and Morocco. Algeria is home to some 100,000 Saharawi refugees. And an odd situation has ensued in which the majority of the international community recognizes Morocco's economic but not political rights in the territory.³ These events had enormous implications not only for the Moroccan state but also for global politics and, I shall argue here, for this history of Islamic legal and political thought.

These events present a puzzle for scholars interested in the modern history of Islamic thought and its role in geopolitics. The case that Morocco presented to the ICJ was termed by The Hague and, to a degree, Morocco itself, as an argument for an "Islamic" form of sovereignty over the Western Sahara. Indeed, as previous chapters have shown, Moroccan irredentists, since 1956, had narrated Morocco's history as a distinctly Muslim one. These irredentists, many of whom had training in Islamic law, referred to Islamic legal and political theory to explain relationships between the ruler and the ruled in precolonial Morocco and to chart a course for Morocco's territorial expansion. How, then, do we situate The Hague's rejection of Morocco's argument? Was it, as some have argued, a repudiation of Islamic principles by a court that was

² Michelle Nichols, "U.N. Chief Regrets Morocco 'Misunderstanding' Over Western Sahara Remark," *Reuters*, March 28, 2016. <http://www.reuters.com/article/us-morocco-westernsahara-un-idUSKCN0WU1N9>.

³ See: Joanna Allan, "Natural Resources and Intifada: Oil, Phosphates and Resistance to Colonialism in Western Sahara," *The Journal of North African Studies* 21, no. 4: 645-666.

unwilling or unable to abandon its Euro-centric biases?⁴ Or, did the court reject, instead, an essentially colonialist argument that was dressed in Islamic language?⁵

Without trying to read the essential intent of the court, these questions can be restated as follows: What was the effect of French and Spanish colonization on the Islamic legal and political theory that Moroccans used to present their case? And, how should we situate Morocco's use of Islamic legal and political theory within modern geopolitics and international law?

One of the effects of colonialism on Moroccan Islamic legal theorizing was to prompt a translation of Muslim norms of sovereignty into terms legible to modern territorial sovereignty. This does not mean that the deployment of Islamic legal terminology in support of a form of territorial sovereignty that was previously unfamiliar to Islamic law makes Morocco's case less authentically Islamic. Morocco's claim was not merely clothed in Islamic garments to mask a form of voracious territoriality that had its roots in European colonialism. Instead, Morocco's claim blended Islamic law and territorial norms as a product of colonial encounter and decolonization. Where others have seen an antagonistic relationship between The Hague's genealogy of sovereignty and that of Morocco,⁶ both were products of colonial and postcolonial encounters. Premodern Muslim geopolitical categories provided Moroccan theorists with fodder to argue for Morocco's territorial expansion.

⁴ See: Omar Al-Taher. "The Historical and Legal Implication of the Western Sahara Conflict: 'An Arabo-Islamic Perspective'" (PhD diss., University of Miami, 1996).

⁵ Zunes and Mundy, for example, emphasize the colonial-roots of Moroccan irredentism. While they do not explicitly cast doubt on Morocco's portrayal of an "Islamic" form of sovereignty, they do underscore the colonial heritage of the Moroccan throne and they portray the Western Sahara issue primarily as a move to bolster the King's authority. The use of a prominent view of Islamic law, termed "Asadian" above, would lead to the conclusion that Morocco's use of Islamic legal categories in *Western Sahara* should be seen primarily as a product of colonialism, rather than historical *sharī'a*. My argument is that Morocco's use of Islamic legal language must be seen as a postcolonial iteration of Islamic law. See: Zunes and Mundy, *Western Sahara*, 32-40, 254.

⁶ E.g. Al-Taher, "The Historical and Legal Implication of the Western Sahara Conflict."

Appreciating this claim helps us to see that Morocco's Islamic argument before the ICJ was *constitutive* of modern norms of territorial sovereignty rather than at odds with it. This may seem an odd argument, given that The Hague rejected Morocco's claim; but, as Jacques Roussellier shows, the Western Sahara ruling marked a shift in the ICJ jurisprudence from a treaty-based approach to determining territorial sovereignty to fact-finding and analysis of domestic displays of sovereignty.⁷ An analysis of the jurisprudential legacy of *Western Sahara* is outside the bounds of this chapter. Instead, it demonstrates how Islamic legal language came to support norms of territorial sovereignty.

Chapter Plan

The lawyers for Morocco, among them Mohamed Bennouna, now a judge with the ICJ, recapitulated with beautiful semblance the theory first proposed by 'Allāl al-Fāsi in the 1950s. They artfully balanced the dual claims of communal Muslim feeling and notions of stacked sovereignty between the Commander of the Faithful and local notables. They dipped into Fāsi's archive of documents gathered from around Greater Morocco and presented them as taxonomically coordinated proofs of concept. Yet, this repetition of the concepts and documents first gathered to prove a claim over Greater Morocco also altered the nature of the claim. Fāsi and his associates had developed the concept as a way to recall forms of Muslim solidarity. The Commander of the Faithful was present in the theory but primarily as a protector of the territory in exceptional circumstances. In the case that Morocco presented to the ICJ for sovereignty over the Western Sahara, the terms of discourse were altered. Communal Muslim solidarity came to be underwritten by the sovereign rather than

⁷ Jacques Eric Roussellier, "Elusive Sovereignty—People, Land, and Frontiers of the Desert: The Case of the Western Sahara and the International Court of Justice," *Journal of North African Studies*, 12, no.1 (2007).

the jurist. What was developed as a way to circumvent a centralized state began to flow back towards central authority. Ultimately, The Hague would deem Morocco's Sahara archive incomplete. But by what principle of assessment? Which archive of sovereignty could judge Morocco's "Islamic archive"?

With the ICJ case, Moroccan irredentism got an international hearing. This chapter takes this dissertation's examination of the entwining of religious and territorial discourse in Morocco into the realm of the international. It proceeds chronologically, beginning at a moment just before the ICJ heard *Western Sahara*, moving through that hearing, and concluding just before Morocco's planned march into that land. This chapter also progresses from larger units of analysis and conceptual claims to smaller ones. It uses the Organization of Islamic Conference's response to the Western Sahara question to demonstrate the large-scale shift that occurred in Islamic law and political theory with the emergence of modern territoriality. Next, this chapter considers how Morocco figured Islamic sovereignty as equal or parallel to the principle of territorial sovereignty in its argument before the ICJ. Finally, it analyzes how King Hassan II marshaled premodern Muslim political theology and put it into service of his designs on the Western Sahara. It begins by situating my understanding of the role of Islamic law in the nation-state.

Morocco's Case for the Western Sahara

Dār al-Islām and the Organization of Islamic Conference.

As the scholar of international relations Naveed Sheikh shows, the OIC emerged out of a conjuncture of factors arising from and during the "Arab Cold

War.”⁸ Its first conference was in Rabat in September of 1969. By 1972, the OIC was a chartered organization with the mission to:

Be guided by the noble Islamic values of unity and fraternity, and affirming the essentiality of promoting and consolidating the unity and solidarity among the Member States in securing their common interests at the international arena. [And to] endeavor to work for revitalizing Islam’s pioneering role in the world while ensuring sustainable development, progress and prosperity for the peoples of Member States; to enhance and strengthen the bond of unity and solidarity among the Muslim peoples and Member States; to respect, safeguard and defend the national sovereignty, independence and territorial integrity of all Member States.”⁹

Islam, as referenced in the OIC charter, was drained of its substantive legal and ethical norms and reduced to an element of solidarity or confraternity between diverse states. The mention of Muslim peoples was subservient and numerically small in relation to the Charter’s discussion of national personhood and fraternity among Muslim nations. Meanwhile, Islam was to be “revitalized,” meaning that the Charter participated in and recognized pervasive twentieth century narratives of Muslim decline. Hassan shows how the OIC, in some ways, belies claims that the caliphate ended with the Ottoman Empire. She tells the story of a young, optimistic Egyptian jurist by the name of ‘Abd al-Razzāq al-Sanhūrī (d. 1971). Sanhūrī completed a Ph.D. thesis at the University of Lyon which theorized the caliphate anew as a sort of league of nations. Hassan places Sanhūrī in the middle of genealogy between the post-Ottoman Cairene Caliphate Conference of 1926 and the OIC. She asks the provocative question “of whether or not we can consider the OIC to be an alternative international model of the caliphate in the modern era.”¹⁰ Indeed, the OIC assumed the role of a coordinator of the Islamic nomos, albeit within the frame of the territorial

⁸ Naveed S. Sheikh, *The New Politics of Islam: Pan-Islamic Foreign Policy in a World of States*. (London: RoutledgeCurzon, 2003), 33-36.

Charter of the Organization of Islamic Cooperation (Formerly the Organization of Islamic Conference), last modified March 3, 2014, <http://www.oicun.org/2/24/20140324031549266.html>

¹⁰ Hassan, *Longing for the Lost Caliphate*, 214-7.

system of nation-states. In other words, the nation-state itself became part of the OIC's political theology. Strengthening Muslim nation-states was the way to advance Islamic ethical ideals. The Western Sahara was among the first of the OIC's orders of business.

The OIC met in July of 1975 to affirm the right of Morocco and Mauritania to the Western Sahara. It published a resolution that included a statement of understanding between Morocco and Mauritania, which declared their united stance against Spanish colonialism in the Western Sahara. The OIC resolution went on to condemn Spanish aggression and acts of torture in the territory. But the resolution concealed the fact that Moroccan and Mauritanian anti-colonial rhetoric was losing its relevance. Spain had already announced that it would hold a referendum on Sahrawi self-determination.¹¹ The OIC resolution reflected Morocco's desire to waylay the referendum by declaring that Spain should not act before hearing how the UN General Assembly decided on the matter.¹²

It is important to notice that the OIC did not invoke religion or Islamic law in the resolution. Nor did the resolution mention, let alone condone, the Saharawi independence movement. The OIC worked within a territorial model that presupposed the given-ness of already established nation-states. Islam was enclosed within those states. Sheikh illuminates this OIC operating principle when he writes, "Prompted by otherworldly pretensions and very earthly balance-of-power maxims, a tentative positive-sum game had allowed the inception of a halfbreed Pan-Islamic forum. In a

¹¹ Fouad Ammoun, then Vice-President of the ICJ suggested that Spain sought a referendum because it had secured rights of trade with the Sahrawis. *Western Sahara, Advisory Opinion, I.C.J. Reports 1975*, p. 12. Para. 101. <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&case=61&code=sa&p3=4>.

¹² *Da'wat al-ḥaqq*. "Al-mu'tamar al-islāmī yu'īd 'awda al-ṣaḥarā' wa sabta wa milīlīa. Vol. 165. *Majalat Da'wat al-ḥaqq*. Vol. 165. [Electronic Resource]. <<http://www.habous.gov.ma/daouat-alhaq/item/4559>>.

win-win situation, God too could be enrolled as party to the political contract.”¹³ By this, Sheikh calls attention to how the *umma*-like nature of the OIC rhetoric jostled with its acceptance of *étatist* reality. His study shows how the OIC’s Pan-Islamic *élan* was undermined by the competing interests of its member states. But it was not only that the OIC submitted to the nation-state model that made it so different from the caliphal or *umma*-ideal. The OIC’s understanding of geopolitics also departed from that of premodern Islamic political theory in that the former was founded on a very different conception of the earth itself.

Territory, as it was used by the OIC, stemmed from an understanding of the earth as infinitely divisible and extensible. The OIC Charter states its mission to, “Respect the right of self-determination and non-interference in the domestic affairs and to respect sovereignty, independence and territorial integrity of each Member State.”¹⁴ Such a configuration was simply not a part of the medieval imaginary under which the caliphate was developed. This difference was evident in the way the OIC handled the Western Sahara by foreclosing Sahrawi claims to self-determination and by enclosing Muslim territorial aspirations within pre-existing nation-states. But it would be incorrect to think that submission to the territorial model of nation-states was an abandonment of Islamic geopolitical principles. On the contrary, to the extent that the OIC represented itself as engaging in a Muslim form of reasoning about and practice of international relations, the nation-state should be understood as a substantive part of a modern Muslim theory of geopolitics. When the OIC accepted such national sovereignty, it made the very concept of *dār al-islām* into a theoretical abstraction. Islamic political theology (as embodied in the OIC) became one of

¹³ Sheikh, *The New Politics of Islam*, 36.

¹⁴ Charter of the Organization of Islamic Cooperation (Formerly the Organization of Islamic Conference), last modified March 3, 2014, <http://www.oicun.org/2/24/20140324031549266.html>

confraternity among states rather than protection from the forces of chaos, the *dār al-ḥarb*. In this key respect, Schmitt was incorrect. He described changing spatial arrangements as the factor that prompted new “ages” in world history. But his normative promotion of an imperial geopolitical order prevented him from seeing how nomos itself was alterable. While Schmitt mobilized the distinction between *dār al-islām* and *dār al-ḥarb* to prove his point, he failed to see that Islam too adapted its nomos to a new geopolitical age, one in which Muslim political theology articulated with national borders. Only in such a world could a body like the ICJ be vested with an authority—even a non-binding one—to determine who ought to have sovereignty over the Western Sahara. In the next section, I show that Islamic political theology was not just responsive to new geopolitical orders and borders; it was also generative of them.

International Court of Justice and the Western Sahara

The OIC’s hopes were realized when a UN General Assembly hearing happened before the Spanish could hold a referendum on the Sahara. The General Assembly recommended the case to the International Court of Justice in The Hague, which it took in the summer of 1975. The primary parties to the case were Morocco, Mauritania, and Spain. The Sahrawis were not directly involved but Algeria argued for Saharan independence. The case was to be non-binding because Spain refused to submit to arbitration. The terms of the ICJ case are of the utmost importance for understanding the development of Moroccan Islamic legal discourses as they relate to territory. In its request to the ICJ for an advisory opinion, the General Assembly posed the following questions:

- I. Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)? If the answer to the first question is in the negative,
- II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian Entity?¹⁵

The request for an advisory opinion relied on UN Resolution 1514 (XV) of December 14th, 1960, which contained the, “Declaration on the Granting of Independence to Colonial Countries and Peoples.” The UN recalled and underscored the centrality of the principle of “self-determination” to the issue.¹⁶

Self-determination is often cited alongside or in conjunction with the concept of territorial integrity, although the former is applied more regularly to colonies or “non-self-governing-territories.” In cases concerning independent countries, on the other hand, territorial integrity is usually found to override the claims by groups of people.¹⁷ In *Western Sahara*, self-determination and territorial integrity were pitched against each other. Morocco worried about the emphasis given to Saharan self-determination. In response, it argued that territorial integrity should subsume self-determination. In the oral arguments, the Moroccan jurist, Mohamed Bennouna (b. 1943),¹⁸ argued:

The General Assembly should evaluate its own actions as they relate to the inherent limits of the principle of self-determination as present in current positive law. As a protector of the national aspirations of peoples subjugated by colonial rule, the principle equally guarantees the national existence and territorial integrity of people already constituted in states. It carries these two elements within itself.¹⁹

¹⁵ International Court of Justice. *Sahara Occidental = Western Sahara*. 5 vols. (The Hague: International Court of Justice, 1979), 1:3. Note that Mauritania did not represent itself as having been a coherent state in the 19th century. Therefore, it requested to be referred to as the “Mauritanian entity.”

¹⁶ *Ibid.*, 4-5.

¹⁷ Elden, “Contingent Sovereignty,” 12.

¹⁸ A former professor of International law at Mohammed V University in Rabat, Mohamed Bennouna has, since 2006, himself been a member of the International Court of Justice.

¹⁹ International Court of Justice, *Sahara Occidental*, 4:180. Translated from French by the author.

The question, Bennouna said, was what constitutes a “self” in the formulation “self-determination.” His answer, obviously favorable to Morocco, was that only a theorist would separate the principles of “territorial integrity” and “self-determination.” The self, without territory, he suggested, is a theoretical concern, a “fictional man.” Formulating this fictional man, he said, is a “political question.”²⁰ Instead, his argument continued, the existence of a Moroccan self, preexisting in the form of the Moroccan state and traceable to the precolonial period, should govern. Proving the existence of a Moroccan self in the precolonial Sahara was the subject of the written argument Morocco submitted to the ICJ. This Hobbesian formulation contained elements of Fāsī’s notion of a longstanding Maghrebi identity; but it captured that identity within the state form.

From the beginning of its written argument, Morocco was at pains to portray itself as a victim of Spain’s ongoing colonial rule. The Moroccan attorneys’ strategy was first to attack the legal foundations of the case. They objected to the very concept of *terra nullius*. “It is incontestable that the notion of *terra nullius* appeared at a particular moment, that of colonial expansion [...] If we refer to the treaties of international law from that period [the nineteenth and beginning of the twentieth centuries] we see that *terra nullius* actually referred to territories inhabited by populations [said to be] ‘barbarous and ferocious.’”²¹ On this ground, Morocco argued that the response to the question of whether the Western Sahara was *terra nullius* should be a resounding ‘no!’ But the wider aims of this opening salvo were to contextualize Morocco’s argument as one of political and legal difference. Morocco claimed that the concept of Saharan self-determination was, in fact, “legal camouflage

²⁰ Ibid.

²¹ International Court of Justice. *Sahara Occidental*, 3:127.

for a neo-colonialist operation.”²² Its continuing argument was meant to be a shot across the bow of neo-colonialism.

This strategy has been sometimes taken at face value. Scholars have argued that the Court failed to understand the depth of Morocco’s Islamic difference. They reiterate Morocco’s argument about the nature of its sovereignty, showing how it is a continuation of a very old and Islamic, if particularly Maghrebi, form of governance.²³ The problem with the accounts is that the difference that they assign to Morocco is one that is always set in the past. The past is, of course, relevant. This is particularly true since, in a very rare move, the UN signaled its willingness to depart from the principle of *uti possidetis*, a norm holding that colonial borders should endure the decolonization process. *Western Sahara* enacted a different sort of temporality, one that sought to erase the colonial period or to return to a moment in the run up to colonization in order to uncover who was the true possessor of the Western Sahara. Morocco’s stance with respect to Islamic law, politics, and history was much more complex than a simple appeal to a bygone era. It was one that put Islamic legal and political theory and practice to uses that were part of, not distinct from, The Hague’s own legal process.

After seeking to prove a negative answer to the question of whether the Western Sahara was *terra nullius*, Morocco’s written argument proffered three points to evince the claim that Morocco was the “immemorial possessor” of the Western Sahara. They were:

1. The Western Sahara is the foyer of the Moroccan nation.

²² Ibid., 176.

²³ See: Al-Taher, “The Historical and Legal Implication of the Western Sahara Conflict;” Weiner, “The Green March.”

2. The profound unity that exists between the north and south of Morocco is in no way called into question by the apparent territorial division between the *bled makhzen* [the land of the state] and the *bled siba* [the land of dissidence].
3. The Western Sahara was the ultimate land of Moroccan resistance against the foreign occupation.²⁴

Morocco's written proof of these points telescoped Moroccan nationalist history, which saw the 'Alwai monarchy as an inheritor of successive dynasties that stretch back to the earliest Islamic conquest of the Maghreb. Special attention was given to the period since the 11th century when the native populations were assimilated into the Muslim polity. The notion of the Sahara as a "foyer" collapsed a historiography that held that Morocco's dynastic turnover was the result of forces at the Moroccan periphery moving into the center and unseating the older dynasty. Even though he was not mentioned, the Moroccan argument here is threaded through the theory of the great social and historical thinker, Ibn Khaldūn (d. 1406). Ibn Khaldūn argued, in part, that the unique social cohesion of desert dwellers equipped them with the qualities needed to conquer urban centers. The use of this historiography allowed the authors of Morocco's written argument to draw attention to the great leader and real founder of the Murābiṭūn dynasty, Yūsuf ibn Tāshfīn (d. 1106 /r. 1061-1106). The importance of Ibn Tāshfīn (and the Murābiṭūn) to Morocco's case came not just from the fact that he was from the region that would become the Western Sahara. It was also because he came from a branch of the Ṣanhāja tribe, which, Morocco claimed, formed a "human unity" from the Sahara to the Mediterranean or, in the words of the

²⁴ International Court of Justice, *Sahara Occidental*, 3:170. Translated from French by the author.

French historian, Henri Terrasse, whom Morocco cited in its argument, a “north-south flow.”²⁵

Previously, Moroccan leaders had frequently opposed identitarian or confessional unity to territorial integrity. For example, Fāsī opposed Muslim ideas about solidarity and fraternity to the Christian desire for territorial expansion.²⁶ The Moroccan written argument to the ICJ echoed Fāsī on this point but recontextualized his argument in terms of the legal relationship between self-determination and territorial integrity. Morocco’s lawyers wrote that, in the time of the Murābiṭūn, “The religious concept helped [the leaders] to overcome Berber particularism, orienting them towards a shared salvational ideal and allowing them to conquer the northern Atlantic Sahara.”²⁷ The argument here was that Islam became the most relevant factor in the definition of the Moroccan self. But, in this case, Islamic solidarity was not opposed to territorial integrity. On the contrary, the notion of *Islamic* self-determination was explicitly wedded to its spatial extent, as was indicated by Morocco’s frequent reference to geographical features. Morocco was here furnishing historical evidence to support Bennouna’s claim, cited above, that self-determination and territorial integrity could not be separated in practice.

Morocco’s argument about the religion of the Murābiṭūn hung on an understanding of the aims of the movement’s ideological forefather, ‘Abdullāh ibn Yāsīn (d. 1059). Explaining Ibn Yāsīn’s vision and mission, Morocco lawyers wrote, “The Moroccan *faqih* revived the epoch of the Prophet and the beginnings of Muhammadan preaching. What was supposed to come out of it was an embryonic state, which, by respecting the Sunna (the Prophetic tradition), [would bring] an

²⁵ Ibid., 171-2.

²⁶ ‘Allāl al-Fāsī, *Kay lā nansā*, Rabat: Maṭba‘a al-Risāla, 1980, 241.

²⁷ International Court of Justice, *Sahara Occidental*, 3:174.

undeniable constitutional originality to the Maghreb.”²⁸ The success of Ibn Yāsīn’s mission was claimed to be the eventual unification and homogenization of the Maghreb (and beyond) under the banner of a Mālikī “Islamic orthodoxy.”²⁹ Morocco positioned itself as the inheritor both of the Murābiṭūn’s intellectual heritage and its material inheritance in the form of the Moroccan territory, including, of course, the Western Sahara. Morocco did not, in this context, underscore or make explicit the idea that the contemporary Moroccan King, Hassan II, was the inheritor of the prophetic mantle in the same way as the Murābiṭūn. This would become relevant in the national context, as we will see below.

Morocco’s second point in support of its claim on the Western Sahara was that there is a “profound unity” between the north and south of Morocco. In order to prove that unity, though, Morocco had to overcome a hurdle: the salience of two categories that twentieth century scholarship used to define and divide the Moroccan political reality, the *balād al-makhzen*, or the land of the state, and the *balād al-sība*, or the land of dissidence. These categories are certainly traceable to the precolonial period, as was shown in Chapter One. But they gained new significance in French colonial scholarship, which used them as a pretext to establish a “protectorate” in Morocco. The ostensible aims of the Protectorate were to unite Morocco under the sultan and to effectively eradicate the “land of dissidence.” In the ICJ case, Morocco’s chief task was to prove that, though the Sahara could be classified as part of the *balād al-sība*, governance in the region was no different than in any other part of precolonial Morocco; and that it was, therefore, not outside of Morocco. Morocco’s lawyers argued that the concept of *balād al-sība* was a mobile category, not a fixed, territorial

²⁸ Ibid., 173. Translated from French by the author.

²⁹ Ibid.

one. It was similarly important that *balād al-sība* did not define a region's geographical distance from urban centers or political capitals.³⁰ The point was that a region directly adjacent to Rabat or Fez could have been considered part of the *balād al-sība* prior to colonization but no one would have claimed it to be an extra-Moroccan territory in the aftermath of colonization. Returning to its insistence that "preexisting states" and "positive law" should set the limits of national selfhood, Morocco held that all of the regions included under the categories *balād al-makhzen* and the *balād al-sība* were united by the state. "The State, by its central and unitary organization is, in effect, the determining factor in Moroccan unity...."³¹ Morocco's lawyers glossed over the central question of whether the *balād al-sība* paid taxes to the central state. Instead, they highlighted the tax-collecting function of the state in a general way by etymologically reducing the word "*makhzen*" to its root meaning, "storehouse," which, they said, proved the state's role as a tax collecting entity.³² In Morocco's estimation, *balād al-sība* was distinguished from *balād al-makhzen* in that the former was "administratively decentralized," a phrase that was not thoroughly explained.³³

If the *balād al-sība* was administratively disconnected from the central state, what tied the two together? Morocco's answer was that the basis of the connection was "spiritual." "The acceptance of the person of the Sultan by the community of believers had a decisive importance. It connected those who gave their definitive obedience [to him...] as long as the Caliph remained faithful to the Qur'an."³⁴ Morocco argued that a complex of relationships followed on acceptance of the

³⁰ Ibid., 180.

³¹ Ibid., 178.

³² Ibid., 179.

³³ Ibid., 180.

³⁴ Ibid., 179.

spiritual leadership of the sultan-caliph, the “Commander of the Faithful,” including assigning to him the task of collecting taxes, conducting foreign relations, and defending Islam. The religious bond between the “commander” and the “faithful” was always in effect. The other aspects of the relationship were activated by an external attack.³⁵

Morocco showed this to be the case when it presented its third point in support of its immemorial possession of the Sahara: The Saharans took the lead in trying to fend off colonial aggression. Morocco’s evidence for this point focused on the religious and political leader, Mā’ al-‘Aynayn (d. 1910).³⁶ In their documents submitted to The Hague, Morocco included many epistolary exchanges between the Moroccan Sultan, ‘Abd al-‘Azīz (r. 1894-1908 d. 1943) and Mā’ al-‘Aynayn. Some indicated that Mā’ al-‘Aynayn was involved in diplomatic efforts with tribal groups. At the urging of ‘Abd al-‘Azīz, he asked the Saharan tribes to cut ties with all European powers.³⁷ Other documents show that the Sultan endowed a place of learning for Mā’ al-‘Aynayn. Confusingly, they refer to the school endowed in Marrakesh, rather than the complex the Moroccan throne also contributed to in Samāra, in today’s Western Sahara. This was possibility because Morocco simply could not produce the Samāra documents. The exchanges concerning Mā’ al-‘Aynayn’s school in Marrakesh show the Sultan as having been boldfaced in his use of the Islamic mechanism of *waqf*, or charitable trust, as a political tool to buy Mā’ al-‘Aynayn’s continued support.³⁸ Be that as it may, the inclusion of these endowment documents indicates the enduring relevancy of Islamic legal categories in an attempt to prove sovereignty before the ICJ.

³⁵ Ibid., 185.

³⁶ Ibid., 185-194.

³⁷ Ibid., 357-8.

³⁸ Ibid., 475-7.

In its opinion, the ICJ concluded that the ties between the precolonial Moroccan and Mauritanian states and the Sahrawi tribes, while clearly existent, were not enough to establish the territorial sovereignty of either country over the territory. The Hague claimed to heed Morocco's request to take account of the Moroccan state's "special structure." The Court's opinion reads:

That the Sherifian [Moroccan] State at the time of the Spanish colonization of Western Sahara was a State of a special character is certain. Its special character consisted in the fact that it was founded on the common religious bond of Islam existing among the peoples and on the allegiance of various tribes to the Sultan, through their caids or sheikhs, rather than on the notion of territory. Common religious links have, of course, existed in many parts of the world without signifying a legal tie of sovereignty or subordination to a ruler. Even the Dar al-Islam, as Morocco itself pointed out in its oral statement, knows and then knew separate States within the common religious bond of Islam. Political ties of allegiance to a ruler, on the other hand, have frequently formed a major element in the composition of a State. Such an allegiance, however, if it is to afford indications of the ruler's sovereignty, must clearly be real and manifested in acts evidencing acceptance of his political authority. Otherwise, there will be no genuine display or exercise of State authority. It follows that the special character of the Moroccan State and the special forms in which its exercise of sovereignty may, in consequence, have expressed itself, do not dispense the Court from appreciating whether at the relevant time Moroccan sovereignty was effectively exercised or displayed in Western Sahara."³⁹

The Court is here responding to a set of arguments about the relationship between *dār al-Islām* the concept of *terra nullius*. Morocco did not include the concept of *dār al-Islām* in its written argument.⁴⁰ Instead, a lawyer for Algeria, Mohammed Bedjaoui, introduced it in support of his country's argument for Sahrawi self-determination. His

³⁹ *Western Sahara, Advisory Opinion, I.C.J. Reports 1975*, p. 12. Para. 95. <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&case=61&code=sa&p3=4>.

⁴⁰ It is interesting to speculate about why Morocco preferred to use the political-geographical terms *balād al-makhzen* and *balād al-siba* rather than *dār al-Islām*. The authors of Morocco's written argument may well have preferred the former terms because they connoted a local geographical structuration of power. In this regard, Algeria's introduction of *dār al-Islām* may have been intended to place the Western Sahara within a universalist, Muslim projection of geo-power. If that was the case, than it would be important to remember that the *dār al-Islām/dār al-ḥarb* distinction also emerged from a particular, local context.

point was to answer the first of the Court's questions in the negative: The Western Sahara at the time of colonization was not *terra nullius* because it was part of *dār al-Islām*. Nevertheless, he argued, some parts of *dār al-Islām*, like the Western Sahara, were devoid of central power.⁴¹ In his oral response, Georges Vedel, an attorney for Morocco, replied directly to Bedjaoui, arguing that *dār al-Islām* had long functioned in tandem with a system of states and that the Western Sahara was, therefore, part of the Moroccan state.⁴² In the above quotation, the Court accepted this argument but turned it against Morocco's claim to have been untied with the Saharans by a "religious bond." With the phrase, "Even the Dar al-Islam... knows and then knew separate States within the common religious bond of Islam," the Court positioned *dār al-Islām* as a Muslim geopolitical category that was a supplemental structuration of "common religious links." In other words, *dār al-Islām*, for the Court, might have risen the Muslim "religious bond" to the level of territory. It failed to do so, first, because there were, within *dār al-Islām*, more primary territorial units, in the form of states and, second, because Morocco did not appear to the Court to be *the* state in control of the Western Sahara.

It is important to note that, in its argument, Morocco did not make the case that its sovereignty was *not* territorial. As we have seen, it actually advocated that the principle of territorial integrity should govern. It spoke of Islam as a "spiritual" bond between Muslims; but it also indicated the centrality of Islam to the legitimation of the state's rule over the *bilād al-makhzen* and *bilād al-sība*. The ICJ mischaracterized the nature of Morocco's argument because (willfully or not) it failed to understand that Morocco's claim to Islamic sovereignty was a claim to territorial sovereignty.

⁴¹ International Court of Justice, *Sahara Occidental*, 4:489-90.

⁴² International Court of Justice, *Sahara Occidental*, 5:175.

This mischaracterization, however, did not necessarily impact the ultimate opinion, which relied most heavily on pointing out the lack of evidence that Morocco deduced in support of the state's activity in the region.

The reasons that the ICJ saw Morocco's claim as a religious and not territorial is not immediately clear. I would argue, though, that these reasons cannot be reduced to a simple matter of The Hague's secularism, defined either as the separation of religion from politics or the creation and control of religion by the state. Religion and territory are not necessarily disconnected in the Westphalian system.⁴³ The Peace of Westphalia of 1648, while not the same as the Westphalian system, is indicative. The Peace of Westphalia actually froze the religion of each principedom within the Holy Roman Empire to its status in 1624. In this view, there has long been a tight weld between religion and territory.⁴⁴ The reliance on the category of *dār al-Islām*, in the above quotation, does, however, indicate the Court's equation of Islam with a universal or global religion, in which Morocco and the Western Sahara partook. This may seem an obvious point and a natural move for the Court to have made. It is, however, ironic, given the French colonial effort to position Morocco as having a unique brand of Islam.⁴⁵ Nor is this the image of its relationship to Islam that Morocco attempted to project.

Instead, Morocco sought to demonstrate that Islam was functionally equivalent to the principle of territorial sovereignty. As Stuart Elden shows, the switch to territorial rule in medieval Europe had the effect of placing all who were on land under the rule of the leader. This was precipitated by the "rediscovery of Roman law" and the rise of constitutionalism by the likes of the Italian jurist Bartolous of

⁴³ For an analysis of the role of secularism in international relations see: Shakman Hurd, *The Politics of Secularism*.

⁴⁴ Elden, *The Birth of Territory*, 226.

⁴⁵ See: Edmund Burke, *The Ethnographic State*.

Sassoferrato (d. 1357) in the fourteenth century. Where previously sovereignty was over individual subjects, it now concerned geographical space and all who were on it. Elden writes, “[The] most important development [was] that the *territorium* [became] not simply a possession of power, nor incidentally the extent of that power, but the very object of political rule in itself, and, as a consequence, that rule is over the things that [took] place within it.”⁴⁶ This power was described in terms very similar to one of the roles Morocco attributed to Islam in the ICJ case. It was seen to subtend and condition all other functions of the precolonial Moroccan state. Morocco’s formulation of Islam not only paralleled the concept of territorial sovereignty; it was also put in specific relation to the territory that radiated north and east from the regions of *al-Sāqīya al-Hamrā’* and *Wādī al-Dhahab*.

The idea that Islamic legal principles, like legitimate forms of taxation and what Morocco’s lawyers called “protection of Islam,” were made possible by the enactment of a relationship between the Moroccan sultan and his people resonates with one of the medieval understandings of *dār al-islām* discussed above. Morocco was claiming that political order was enacted through the Pledge of Allegiance that tribes offered to the sultan. Here, their claim to a form of religious solidarity was a hieratical one, built on the caliphal model. This was not the only function that the attorneys for Morocco attributed to Islam. It was also described as non-hierarchical “spiritual” bond. While not labeled as such, the spiritual aspect of Morocco’s understanding of religion resonated with a notion of Islam-as-*sharī’a*, in which all of God’s servants were equally obligated to follow the law. Morocco intended to show how these two aspects worked together.

⁴⁶ Elden, *The Birth of Territory*, 226.

As a point of comparison, it is worth noting that Morocco's combination of these two interpretations of the role of Islam in precolonial North Africa departed radically from the political theology advanced by the Organization of Islamic Conference. The OIC expunged the hierarchical model from its vision of the *umma*. Its focus on the equality of member states was, in a sense, a transposition of the *sharī'a*-notion of equality of legal obligation onto nations; Muslim servant-hood was transformed into state personhood. The caliphal guarantor of stability was transposed onto the international system of borders. Morocco, by contrast, referred continuously to both hierarchical Islamic politics and Islamic confraternity in its assessment of the precolonial period. In the ICJ case, though, it stopped short of attributing both of those roles to the contemporary Moroccan nation-state. For it could not make the contemporary Moroccan monarch into *the* guarantor of Islamic stability without offending other members of the OIC. In its internal rhetoric, though, Moroccan state representatives readily reintroduced the notion of Islam as territory.

"My Dear People," or Hassan II on the Sahara

As we have seen, the ICJ opinion in favor of Sahrawi self-determination did not win the day. Instead, an odd conjunction of military, extralegal, and contractual operations, in the form of Morocco's Green March and the Tripartite Agreement between Spain, Mauritania, and Morocco, led to *de facto* Moroccan and Mauritanian control of the territory. Moroccan state rhetoric about the Green March is instructive in understanding a further layer of complexity in the relationship between Islamic political and legal theory and national territory.

About two weeks before the start of the Green March, King Hassan II gave a speech addressing the people of the Sahara, outlining his plan for retaking the territory. He framed his speech by deploying Qur'anic verses from *Sūrat al-Fath*,

because, as he said, the Green March would be an instance of, “a process we term *fath* [lit.: opening].”⁴⁷ *Fath*, refers to the “opening” of lands for Islam and specifically to the Prophet Muhammad’s triumph in his return to Mecca after the migration to Medina. The twin concepts of opening and triumph shape the speech from beginning to end.

The King stated that he addressed his “dear people” of the Sahara in three capacities, as “Commander of the Faithful,” as “King,” and as “leader and director.” He said that the King was he who bore or received the oath of allegiance. The leader (*musayyir*) dealt with “Moroccan foreign diplomacy.” The role of the Commander of the Faithful was left undefined. Despite the fact that the role of Commander of the Faithful was left undefined, it becomes clear in reading his Qur’anic quotations and exegeses that this role was meant to supersede the others.⁴⁸ Hassan quoted the following Qur’anic verse: “Those who pledge loyalty to you are actually pledging loyalty to God Himself—God’s hand is placed on theirs—and anyone who breaks his pledge does so to his own detriment: God will give a great reward to the one who fulfills his pledge to Him.”⁴⁹ Hassan’s deployment of the Qur’an here was ostensibly meant to indicate the contractual nature of his relationship with the people of the Sahara. But it also underscored the political-theological valences of that contract. He explained:

The pledge of allegiance [*al-bay‘a*], my dear people, is not elicited through oppression or taken from people forcibly. No, the pledge of allegiance necessitates a bond [between us]. The pledge of allegiance that is described in *Sūrat al-Fath* is an allegiance of grace [*riḍwān*], meaning God's grace on all the Muslims who gave allegiance to the Prophet, May God honor him and grant

⁴⁷ *Da‘wat al-ḥaqq*, “al-khaṭāb al-malikī alladī wujihahu ṣaḥib al-jalāla ilā ra‘āyāhi bil-ṣaḥarā,” *Majalat Da‘wat al-ḥaqq*. Vol. 166. [Electronic Resource]. < <http://www.habous.gov.ma/daouat-alhaqq/item/4308>>.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.* Translation by M.A.S. Abdel Haleem. *The Qur'an*, 335.

him peace. Etymologically, grace [*riḍwān*] and mutual consent [*tarādī*] share a root.⁵⁰

Hassan did not explicitly put himself in the place of God's addressee, the Prophet Muḥammad, in the verse. His stated goal was not to position himself as the inheritor of the pledge Muslims made to the Prophet. Instead, he shifted emphasis to the nature of the pledge itself. Focusing on the relationship between Muslim ruler and ruled had a more powerful resonance. He described the relationship between King or Commander and his people as a kind of hypostasis of God's grace or favor. Rather than recounting that his legitimacy rested on genealogical descent from the house of Muhammad, Hassan showed himself to enact that relationship of Divine Grace.

Hassan did not use the term Caliph (*khalifa*) in this speech or elsewhere. But his focus on the relationship between ruler and ruled as an enactment of Divine Grace begged the question of who the *khalifa* (lit: the successor) actually succeeded, the Prophet or God.⁵¹ Just as the Muslim pledge of allegiance to Muhammad enacted God's grace, so too did the Saharans' pledge to Hassan. Hassan's exegesis of Quran 48:10 began to fill in the missing definition of Hassan's role as *Amīr al-Mu'minīn*. It was a theological denomination in excess of the internal legitimacy conferred to the king or the external functions of a chief diplomat. The *Amīr* presided over believers' relationship with God; and he did so by receiving their allegiance as king. The implicit suggestion was that Hassan was God's Shadow. As he continued, Hassan wrapped this concept around the principles of territorial integrity and self-determination.

⁵⁰ Ibid.

⁵¹ In *Muslim Kingship*, al-Azmeh documents a rapid shift in Islamic political thought and practice from the early concept of the caliph as a stand-in for the Prophet's political power to the concept of the Caliph of God (*khilāfat Allah*) (74), all of which happened before a return to emphasis emulating the prophetic model by renovating the office of the caliphate under the aegis of sunna (174). Al-Azmeh counters modern scholarship that views *khilāfat Allah* as a purely popular phenomenon by relying on numismatics, royal ceremonial, and early *fürstenspiegel* (*Ibid.*).

Hassan concluded his analysis of this verse by saying that the word “blessing (*riḍwān*)” is related to the word for “mutual consent (*tarāḍī*).”⁵² His point was that the relationship between ruler and ruled was consensual—and here he reminded them that the precolonial pledges of allegiance were still in effect. But he went further by saying that consent to his rule was authorized by Divine Grace. This may seem a clever elision, or a theological red herring, that relied on divine attribution to extend an otherwise dead letter oath into the present. But its intended effect was to draw together the role of the King, as he who has an ostensibly legitimate political relationship with the ruled, and that of the *Amīr*, as he who had a divinely sanctioned relationship with the believers. Hassan defined this relationship of blessing-consent against the colonial relationship that Spain had with the Sahara. Finally, he added his role as head diplomat to his capacities as King and Commander. He did so by saying that Morocco’s sovereignty in the Sahara had been recognized by “all the world,” and “global political circles.” Most amazingly to contemporary observers of this moment in Moroccan/Saharawi history, he claimed that the ICJ recognized legal and religious ties between the Crown and the people of the Sahara. As we have seen, The Hague did find the existence of such ties; but it claimed that they were not tantamount to territorial sovereignty, a point Hassan chose to ignore.

The Hague’s findings got only this one mention in the speech; but they clearly played a role in structuring Hassan’s discourse. In particular, The Hague’s reliance on the principle of self-determination had a pivotal role in the way the King legitimized his plans for the Sahara. This was evident in his insistence on the pledge of allegiance (*bay‘a*). He also attempted to grammatically tie the people of the Sahara into the Moroccan “self,” by speaking of “we” and “ourselves.” He figured the Moroccan

⁵² *Majalat Da‘wat al-haqq*, Vol. 166.

territory as a family, saying that the Sahara will reconnect with its “uncle,” the Rif, a mountainous region in the north of Morocco.⁵³ Next, he quoted from Qur’an 48:27, wherein God proclaims that Muhammad’s vision of returning to Mecca has been fulfilled. King Hassan reminded the Saharans of the Treaty of Hudaibiyya, which allowed the Muslims to return to Mecca for a pilgrimage, highlighting the Prophet’s genius as a diplomat. He likened the Prophet’s patience in the period between signing the treaty and entering Mecca to Morocco’s strategy of waiting before undertaking the Green March. Hassan began to bring his speech to a close by quoting the last verse of *Sūrat al-faḥ*, which reads:

Muḥammad is the Messenger of God. Those who follow him are harsh towards the disbeliever and compassionate towards each other. You see them kneeling and prostrating, seeking God’s bounty and His grace [*riḍwān*]: on their faces they bear the marks of their prostrations. This is how they are pictured in the Torah and the Gospel: like a seed that puts forth its shoot, becomes strong, grows thick, and rises on its stem to the delight of its sowers. So God infuriates the disbelievers through them.⁵⁴

Interpreting this verse to be a narrative continuation of what happens after Muḥammad and the Muslims entered the Holy Mosque, Hassan pictured the Sahara as Mecca. He worked through the powerful analogy between the bursting forth of a stem from a seed and the community of believers, saying that Muḥammad wanted to go beyond mere reunion with the Meccans to erase time that had lapsed since the migration and to inspire collaboration, harmony, and brotherhood between them. Hassan grazed fundamental distinction the verse makes between believers and disbelievers when he said, “The Islamic community [*al-umma al-islāmī*] was a new start [*faḥ jadīd*], a turning over of fresh pages, which allowed the building a different society in the lives of Arabs and Muslims.”⁵⁵ With this he referenced the way Islam

⁵³ Ibid.

⁵⁴ Ibid., Translation of Qur’an by M. A. S. Abdel Haleem with minor changes.

⁵⁵ Ibid.

was believed to reshape Arabian society by displacing the importance of tribal divisions. So too would the (re)incorporation of the Sahara into Morocco—which was synonymous with the Islamic community in the King’s speech—override ethnic distinctions. “Rather,” Hassan said, “all are equal before the Truth [*ḥaqq*] and before the law [*al-qānūn*].”⁵⁶

In this speech, Hassan did not hesitate to portray his rule as the actualization of the caliphal model, even if he stopped short of describing himself as a caliph. He characterized his role by suggesting that he alone could actualize an Islamic polity in the Sahara. He also did not use the terms *dār al-islām* and *dār al-ḥarb*; but he did set up a fundamental opposition between what was within the Moroccan-Muslim polity and what lay beyond it. If Morocco represented the Muslim polity, the *dār al-islām*, what was outside of it? Hassan described the Sahara outside of Moroccan sovereignty as a colonial site, one in which ethnic distinctions and not universal truth reigned. The outside, the erstwhile *dār al-ḥarb*, was thus a world where the principle of territorial integrity did not operate and where the “self” of self-determination was defined by a European, non-Muslim, colonial authority. Decolonization, then, provided a context for Hassan’s mobilization of Qur’anic verses describing foundational moments in the first Muslim polity. He filtered the nomological principle of Muslim rulership through the modern, postcolonial concept of territorial integrity.

Conclusion

This chapter demonstrated the centrality of territory in Islamic law and political theory in the twentieth century. It proceeded chronologically, beginning at a moment just before the ICJ heard *Western Sahara*, moving through that hearing, and concluding just before Morocco’s planned territorializing march into that land. My

⁵⁶ Ibid.

analysis of the Organization of Islamic Conference in relationship to the Western Sahara demonstrated a large-scale change in Islamic law and political theory that occurred with the emergence of modern conceptions of territory. It compared premodern Muslims' theories of nomos to the role modern territoriality played in shaping the OIC's political theology. Next, this chapter considered how Morocco figured Islamic sovereignty in relation to the principle of territorial before the World Court. Finally, it showed how King Hassan II translated premodern Muslim political theology into an argument for Morocco's territorial sovereignty over the Western Sahara.

A struggle over a single piece of land reveals something different about the role of Islamic law and political theory at each of these different levels. At the level of the OIC, Islam was an identitarian principle that was enclosed within nation-states. In order to gather the diverse member states together, Islam had to be drained of local variation and historical particularity.⁵⁷ Its nomos was that of the nation-state system. In the hearing before the ICJ, Morocco presented a version of precolonial Islam that combined "spiritual bond" or mutual servitude before God with the Islamically-legitimated state hierarchy. Most remarkably, in his speech to the people of the Sahara, King Hassan moved these arguments about the precolonial state into the postcolonial present. He performed an Islamic nomos that took account of the modern principles of self-determination and territorial integrity. Where the OIC had disentangled Islam from the territorial, Hassan showed how a premodern, Muslim nomos of the earth could be re-operationalized within the nation-state system.

⁵⁷ In fact, being a member of the OIC did not require states to be professedly "Islamic" or even to have Muslim majorities. See: Sheikh, *The New Politics of Islam*.

In his incisive article, “Jihad and the Modern World,” the scholar of Islam, Sherman Jackson, holds that the emergence of the principle of “territorial inviolability,” created an unprecedented situation in which a “state of peace” reigned over the earth. In this state, according to Jackson, the obligation to wage jihad should lapse.⁵⁸ Jackson is instructive in indicating the importance of territory for understanding how Islamic law has been or should be changed. But he emphasizes that the Islamic legal scholar should be aware of the facts “on the ground.” Jackson writes, “As such, there may arise disagreements among Muslims regarding the obligation to wage jihad, not over whether or not jihad remains an obligation even under a ‘state of peace,’ but over whether or not an actual ‘state of peace’ exists.”⁵⁹ Jackson’s reference is to the decision-making processes of individual Muslims, or scholars, about the existence of peace and the corresponding question of whether jihad should be waged. Jackson’s view of Islamic law is decidedly non-statist. In premodern Muslim polities, Jackson argues, the state had little control over the legal sphere.⁶⁰ In modern Morocco, on the other hand, the legal sphere was almost entirely dominated by the state. Therefore, within Jackson’s frame, Morocco’s actions described in this chapter could not be considered to be Islamic law or *sharī‘a*.

If we take a wider view of Islamic law, a different possibility emerges. We have seen throughout this chapter that diverse relationships between Islamic law and the Islamic state have long been the subject of normative debate and descriptive reality in the history of Islamic polities. Given this diversity, it is possible to see Morocco’s actions concerning the Western Sahara as instances of Islamic legal interpretation, albeit in a very different idiom than normal *fiqhi* discourse. Returning

⁵⁸ Jackson, “Jihad.”

⁵⁹ *Ibid.*, 20.

⁶⁰ *Ibid.*, 3.

to the subject of territory, this view would allow us to see modern Muslims as not merely witness to the “state of peace” as inscribed in the principle of territorial inviolability but also as actors in the creation of that “peace.”

Morocco’s case before the ICJ and King Hassan’s representation of that case went further than Fāsī or his associates in claiming that precolonial Muslim legal and political norms were tantamount to territorial sovereignty. Partly as a requirement of the international context, the lawyers for Morocco could do nothing but present the state as the ultimate arbiter of Islam and territory. In the constitutional formulation, the king represented the unity of the nation in his capacity as Commander of the Faithful. The occupation of the Western Sahara inaugurated a process of making his body into a symbol for the territory. In Deleuze and Guattari’s formulation, the Despot replaced the Earth as the unitary site of social arbitration and production. They write:

A higher unity of the State establishes itself on the foundations of the primitive rural communities, which keep their ownership of the soil, while the State becomes the true owner in conformity with the apparent objective movement that attributes the surplus product to the State, assigns the productive forces to it in the great projects undertaken, and makes it appear as the cause of the collective conditions of appropriation. The full body as socius [the body that takes credit for production] has ceased to be the earth, it has become the body of the despot, the despot himself or his god.⁶¹

The king took possession of the land and so made himself represent it or even stand in for it. His body merged with the territory. As the one who took credit for the restoration of the nation, Hassan positioned himself not just as the genealogical heir to the Prophet Muhammad but as one capable of actualizing Divine Grace. He connected the unity of the territory and the unity of his body with the unity of God. He worked this specifically Muslim political-theology into terms legible to the concept of the

⁶¹ Deleuze and Guattari, *Anti-Oedipus*, 194.

nation-state. In this respect, his evocation of older forms of Muslim sovereignty and modern national sovereignty paralleled each other: both claimed an impossible singularity. The next chapter considers the continuation of this discursive merger of the king's body with the territory of Morocco, both signifying Divine Grace, into the early 1990s. It looks first at attempts to strengthen the metaphor, then at attacks on it.

Chapter Five

There is wide agreement across the interdisciplinary literature on modern Moroccan politics that the Green March secured the legitimacy of Hassan II and the monarchy in general.¹ The legitimating function of the action has been linked to renewed popular perceptions of the king as *sharīf*, as tactician, and as anti-colonial hero. What has been less explored is the way that this legitimacy was linked to the specificity of the territory. The occupation of the Sahara completed the linkage of king's body with the territory. As previous chapters have shown, that linkage was imagined in Morocco's first constitution. In discourse and images, the King's body was merged with the space of Morocco. In his speeches, Hassan II depicted the Moroccan territory as a coherent body. His own role, implicitly, was to be the connective tissue and therefore one with the territory itself. For all the ways it was a failure, the occupation of the Sahara made Hassan's description into a discursive reality. The linkage between the king's body and the territory of Morocco was repeated frequently. In the 1980s, The Sahara was made into a synecdoche for Morocco; and the king's body became metonymy for the territory. The Green March was depicted on currency: a new hundred Dirham note had a colorful image of the marchers entering the territory. Shops and taxis displayed images of it. All of these images blended the Moroccan flag, the Qur'an, and logoized maps of the region, with soft-focus portraits of King Hassan II floating above the collage.

At the end of the 1980s and beginning of the '90s, this linkage was increasingly reasserted. Its prominence was a factor not of the strength of the nation's sovereignty in the region but of the disarticulation of the reality of the state's (often brutal) occupation and the international opinion of the occupation. Throughout the

¹ Zunes and Mundy, *Conflict Irresolution*, 40.

middle years of the 1980s, the Moroccan Armed Forces constructed a 1,700-mile earthen barrier, known as the “Berm.” The wall blocked off the larger, western portion of the Sahara from a narrow sliver that bordered Mauritania and Algeria and which was under the control of the POLISARIO. The Berm was packed with explosive devices and dotted with Moroccan military installations. Its stated purpose was to cordon off the POLISARIO fighters. It had the effect of limiting the movement of the large numbers of Sahrawi refugees who had settled on the eastern edge of the region and over the border in Algeria and Mauritania. For the first time in this long history, there was a “natural” border in the region.

The crude mound of sand at the border was, indeed, suggestive of a certain naturalism. The Berm cross-sectioned human and natural history, showing their mutual-dependence. While the history of its construction has largely been concealed, Moroccan media has suggested that it was planned with the assistance of the U.S. and Israel.² The wall was built in the context of the Cold War. As the political theorist, Wendy Brown, has argued it was part of a series of walls built in this period that signified not the triumph of Westphalia but its diminution. The Berm was erected in response to ascendant non-state forces. It attempted to project Morocco (and the king’s body) as impenetrable but only because sovereignty had been constantly penetrated and eroded. This period inaugurated a new phase in global territoriality. The Westphalian promise of national-territorial sovereignty was broken, replaced by superpower competition and the emerging dominance of global capital.

Islamic discourse was central to the process through which king become territory. The Minister of Pious Endowments and Islamic Affairs, ‘Abd al-Kabīr al-

² Al-Masā’, “*Alghāz al-jidār al-aminā alladhī anhā al-ḥarb fī al-ṣaḥarā*,” January 16, 2008, <https://www.maghress.com/almassae/4989>.

‘Alawī al-Madaghri (1942-2017),³ made this explicit when he delivered a Ramadan lecture on constitutional principles in Islam. But convincing evidence of the connection between the king’s body and the Moroccan territory can also be found in attempts to undo, alter, or challenge, this linkage. The years after the Green March saw an outpouring of debates, from a wide variety of sectors of Moroccan society: feminist critiques, in-fighting amongst state affiliated ‘*ulama*’, fractures in the Moroccan Islamic studies academic faculty, and the renewed voicing of Amazigh identity claims against Arabo-centric formations of Moroccan identity. At first blush, these debates might seem unrelated. Indeed, scholarship has not previously linked them. But they are woven together by varying concerns for ethnicity, gender, and divinity of the king’s body as it related to the space of Morocco.

The waning of the Cold War was punctuated by the Gulf War, which prompted a great deal of discussion amongst Moroccan theorists. This new territorial arrangement prompted new political theologies of space in Morocco. Moroccan theorists staked out positions in a debate that gripped large segments of the Moroccan populous in the early 1990s. Among them were Madaghri, the Minister of Islamic Affairs, and his critic, the religious scholar (‘*alim*), ‘Abd al-‘Aziz ibn al-Ṣadiq. The Gulf War became a referendum on Arab postcolonial independence, at least in the minds of these commentators. Thus, the debate about the War tumbled out into heady questions about Islam and governance—the governance of individual Muslim states, the relationships between Muslim states, and the possibility of Muslim solidarity in excess of national formations. As a government official, Madaghri, was tasked with upholding the tenuous position of underscoring Moroccan sovereignty with a theological fusillade and supporting the American bombing of Baghdad. (Morocco

³ Madaghri served as Minister of Islamic Affairs from 1984 to 2002.

was an American ally.) Ibn al-Ṣadīq challenged Madaghrī on both fronts by claiming that Moroccan sovereignty and the attendant claim to Islam was illusory. Both had been undermined by Western neo-colonialism. He sought a claim to Islam that did not rest on the territorial system of nation-states. The Moroccan sociologist Fatema Mernisi (1940-2015) also intervened in this debate. As with Ibn al-Ṣadīq and Madaghrī, the Gulf War led her to questions of governance and Islam. Like Ibn al-Ṣadīq, she condemned Morocco's support of the Americans. Her support, however, was not for Iraq but for peace and non-involvement. Unlike both Madaghrī and Ibn al-Ṣadīq, her writing acknowledged and encompassed the diverse sides in the debate, while navigating an ambiguous path through them. Uniquely, she made explicit how the spatial dimension of the question about Islam and governance shaped the debate.

God's Shadow on Earth

On the 5th of Ramadan, 1410 (April 1st, 1990), the Minister of Islamic Affairs, al-Madaghrī, delivered a lecture to Moroccan King Hassan II and a number of Moroccan luminaries, as part of the series of Ramadan lectures (*Durūs al-Ḥasanīya*). Madaghrī had been Minister since 1985. He was an important figure in Moroccan intellectual and political life. His education had combined degrees from Morocco's public seminaries, colleges, and law schools. He studied first at the great mosque-university, the Qarawiyyīn, in Fez and later in the Faculty of Human Sciences in the same city. He then moved to Rabat where he completed a doctorate in Islamic Studies, from the *Dar al-Ḥadīth al-Ḥasanīya*, and the equivalent of a J.D. from the Faculty of Law at Moḥammad V University. Madaghrī taught briefly in Fez before returning to Rabat to begin his political career. On that spring day in 1990, he gave a talk called, "Principles of Constitutional Law in Islam." The lecture deployed a once common hadith, "The suṭlān is the Shadow of God on Earth." In 1990 Morocco,

however, the utterance of the hadith set off a political firestorm. A number of figures signed on to a petition condemning Madaghrī's use of the hadith. The petition was spearheaded by the 'alim, Ibn al-Ṣadīq; but Madaghrī would later claim that Ibn al-Ṣadīq was put up to the task by those in the political class who worried about what the hadith signaled vis-à-vis Morocco's democratic reforms. Much later, Madaghrī would write a response to these critics, which softened and depolarized his lecture. The lecture itself, though, laid the metaphysical groundwork for a form of Islamic constitutionalism that was in utter opposition to the frameworks that circulated among the international community as examples of democratic governance.

Madaghrī's lesson provided exegesis of each of the words of the hadith in turn (though he did not make this structure explicit). Only later did he bring out a comparison between Islamic and democratic constitutionalisms. To explicate the word "sultān," he discussed the history of leadership in Muslim political thought. He took his audience into old theological debates about the caliphate, asking, for example, if the political leader (*imam*) was obligatory on the community as a factor of "divine command" (*sharī'a*) or "reason" (*'aql*). He concluded that the former was the basis of the caliphate in "our school."⁴ Next, he asked if the caliph is appointed by "scriptural stipulation" (*naṣṣ*) or "choice" (*ikhtiyār*). Here, he cited various sources that enumerated the scriptural basis of the caliph's appointment, separating this from what he called the "Shi'a" election by choice.⁵ With these comments, Madaghrī hewed relatively closely to premodern Muslim theological texts, which routinely began with an excursus on the caliphate. Importantly, Madaghrī did not dwell on the question of whether the caliphate continued to exist or whether the terms "sultan,"

⁴ 'Abd al-Kabīr al-'Alawī al-Madaghrī, *Zill Allāh*, (n.p. Morocco, 2003), 33.

⁵ *Ibid.*, 34.

“caliph,” and “king” were synonymous. By using the competitive, intra-Muslim, sectarian terms of premodern theologies, he could skirt these pressing questions. In other words, an exposition and comparative analysis of premodern Muslim theological texts allowed Madaghrī to put the king in the place of the caliph without having to make it explicit.

The bulk of Madaghrī’s early discourse, however, disinvested from premodern authorities. Instead, it was an ontological investigation of the terms of the hadith, without significant reference to earlier theology or law. For Madaghrī, the hadith’s utility resided in its pithiness. These few words, he reasoned, imbricated the entirety of Islamic constitutional law. Thus, he could open investigations into the nature not just of shadows, leaders/power, God, and Earth but also the relationship between ruler and ruled, the rights and duties of both, and the ties between religion and politics in general. His first attempt was to explain the nature of shadows. Here, Madaghrī made explicit what most of the hadith’s premodern interpreters had left unsaid, that shadows shield people from the sun:⁶

The “sultan is the Shadow of God on Earth” because he protects the people from harm just as shade protects from the heat of the sun. Grammatically connecting [shadow] to God confers nobility, God’s Plan and God’s Sword, and announces that this Shadow isn’t like other shadows. It has importance and addendums that are specific to God. He appointed a successor [*khalīfa*] on His Earth to spread His Justice and Beneficence among His servants, that the people might be relieved from the sweltering heat of oppression by the cool winds of His Justice. It is said that Shadow means might and power, for the one who seeks refuge in the sultan, finds respite and takes shelter under the shade of His Justice.⁷

According to Madaghrī, the Shadow in the hadith had qualities of normal shadows but also extended them. The leader preformed a protective function, shielding his “flock”

⁶ Shade is deeply associated with security in the Arabic imaginary. In its verbal form *zill* should often be properly translated as “to be under the protection.”

⁷ Ibid., 35.

from the burning sun. The heat of the sun was linked to oppression (*ẓulm*), which has worldly connotations of poor, unjust, or exploitive governance. But, Madaghri pointed out that the Shadow also enfolded divine qualities. Oppression meant more than worldly tyranny and shelter had further reaching effects than a tranquil existence in this life. Mention of the “heat of oppression” smacked of the Qur’anic equation of eternal suffering and fire (*nār*). To take refuge in the sultan, then, was to find protection not only from worldly oppressors, but also to shelter from the more theologically inflected forms of punishment and pain. To shelter within the Shadow of God was to avail oneself of God’s Justice.

Madaghri’s analysis of the Shadow hadith dallied with ascribing divine attributes to King Hassan II. Of course, such an ascription would cross a fundamental barrier in most Muslim theological thought. Madaghri was certainly aware of the pitfalls. The effect, however, was to link two points in the triangle that he was erecting between the king, God, and territory. Though his ontology of the shadow did not rely on premodern sources, Madaghri did rely on earlier Muslim theorists to justify the link between God and sultan. Two of his most important references were the Abbasid functionary and legal-political thinker, Abū al-Ḥasan al-Māwardī (d. 1058), and Mamlūk era jurist, Aḥmad ibn Taymīya (d. 1328). In general, Māwardī and Ibn Taymīya took very different approaches to the question of the relationship between rulers and law in their respective contexts. Māwardī sought to shore up the caliphate at all costs, while Ibn Taymīya devoted far more attention to the role of the *fuqahā’* in maintaining order and checking the state.⁸ For this reason, their similarities to each other in some key respects made their mutual availability to Madaghri all the more striking.

⁸ Ovamir Anjum, *Politics, Law and Community in Islamic Thought*.

In premodern Muslim political theory, it was quite common for the role of the political ruler to be summed up in the Shadow hadith,⁹ though relatively little modern scholarship has considered it. The historian of Islam Aziz al-Azmeh, makes the argument that later Muslim theorists and Islamicists have neglected the saying, downplaying it because of the uncomfortable divine-right it seems to give to the ruler. Al-Azmeh's goal is to dispel the perception about the dominance of the 'ulamā' in the sultanic realm, and to show how early Muslim polities absorbed the trappings of power from the non-Muslim empires that surrounded and preceded them.¹⁰ Even by the time of Ibn Taymīya in the thirteenth-fourteenth centuries, the hadith remained an important political-theological touchstone. Ibn Taymīya combined the "Shadow" hadith with another commonly cited hadith that proclaims, "Sixty years of unjust rule is better than one night without a sultan." He wrote of both hadiths:

Experience attests to this. If time and place is devoid of a sultan, because of death or murder, and no one arises to take his place, or if discord arises between two parties, or if a sultan's people revolt against his rule [...] then corruption will reign in religious matters and in the world [*dunyā*], and the benefits of the world and ritual practice will be lost in a way unimaginable to all but God.¹¹

Together, Ibn Taymīya took the two hadiths to underwrite the absolute necessity of worldly political authority. He engaged in a form of historical reasoning to demonstrate the dependability of the Prophet Muhammad's utterance about the preference for unjust rule over a lack of political authority. Where Madaghrī had polarized scriptural proof and reason, Ibn Taymīya used the one to justify the other. More interestingly, Madaghrī explicitly personified *sulṭān* in the singular figure of

⁹ Patricia Crone, *God's Rule*, 128, 153.

¹⁰ Aziz al-Azmeh, *Muslim Kingship: Power and the Sacred in Muslim, Christian and Pagan Polities* (New York: I.B. Tauris, 1997).

¹¹ Aḥmad ibn 'Abd al-Ḥalīm Ibn Taymīya, *al-Siyāṣah al-shar'īyah fī iṣlāḥ al-rā'ī wa-al-ra'īyah*, (Mecca: Dār 'Ālam al-Fawā'id), 233. It should be noted that not all editions of *al-Siyāṣah al-shar'īyah* contain this section.

Hassan II. Ibn Taymīya, by contrast, did not dwell on who the political authority was, or (at this juncture in his writing) even what form that authority should take. The most striking difference between the two is that Madaghri did not make social chaos (*fitna*) the catalyst for the necessity of political authority (*sulṭān*). Ibn Taymīya, like many premodern commentators, placed *fitna* on the opposite side of *sulṭān*. But Madaghri had complicated notions of the alternatives to the sultan and therefore the reasons for his continued reign. The issue of what lay on the other side of political authority—both in its imagined non-existence within Morocco and beyond Morocco’s borders—makes clearer the difference between Madaghri and his premodern sources. The comparison also clarifies the stakes of Madaghri’s mobilization of the Shadow hadith.

More than a decade after his *Ḥasanīya* Lesson, Madaghri published a book, which reproduced the aforementioned lecture, presented the voices of some of his critics, and provided his own justification for it. The book, *The Shadow of God*, opened with an invective against those who sought to delegitimize his use of the eponymous hadith. He rejected any serious scholarly opposition out of hand. His real enemies were a class of politicians who, he said, had a history of capitulating on such matters. While some of them had taken the vanguard in the anti-colonial struggle, others played a duplicitous game. The latter group, according to Madaghri, stated their support for the independence movement,¹² but they opposed armed struggle. They had been diluted by the French and Spanish colonizers into holding up the banner of citizenship and stability rather than true independence.¹³ In their pacifism and passivism, this group of politicians departed from the majority of Moroccans

¹² Madaghri, 7.

¹³ *Ibid.*, 8.

who, according to Madaghrī, had shaken Morocco with their bravery in the battles for independence.

Despite the fact that Madaghrī spoke from the elevated position of Minister of Islamic Affairs and despite the undisputed primacy of the king in Moroccan political life, he claimed that this class of duplicitous political operatives had won out. This could be seen in the fact that Morocco was still not independent. “[That it was a] passive resistance can be seen in the fact that it led to an incomplete independence. To this day, there are still colonized parts of Morocco.”¹⁴ There is, in this quotation, an enduring strain of the nationalist discourse that had been reiterated since ‘Allāl al-Fāsī took up the irredentist cause in the 1950s. But it also should be taken into account how completely the sentiment—that there were portions of Morocco yet to be liberated—had become embedded in monarchical discourse. Madaghrī, the chief cleric in the nation, asked the question: what was the nature of Morocco’s independence *and* its continued colonization? What political theology reigned in liberated Morocco and what kept the rest of Morocco from liberation?

‘Allāl al-Fāsī and other postcolonial irredentists had advocated for the recovery of Moroccan lands that they believed to be still occupied as a way to recapture the primacy of Muslim principles of law, governance, and solidarity across a wide swath of Northwest Africa. For them, these principles were most obviously encapsulated in the institution of the Pledge of Allegiance, through which local leaders connected their communities to the central authority. Fāsī had emphasized the horizontal quality and the mutuality of the pledge. He had idealized it as an act of affection and *communitas*, through which Muslims recognized one another as involved in a shared submission to Divine Law. The king was elevated only in as

¹⁴ Ibid., 9

much as he was the guarantor of that law. Madaghrī too spoke of the pledge; but, by reading it out of the Shadow hadith, he swung the emphasis radically to the side of the king. For Madaghrī, the Pledge of Allegiance symbolized the hospitality of the sovereign who would reach down to receive it from the lower classes.¹⁵ What Fāsī and the others envisioned to be the embodiment of horizontal relationship between ruler and ruled, Madaghrī imagined as the king’s hands opening to clasp the outstretched hands of all Moroccans in an act of Grace. The nature of Morocco’s liberation was, then, unreservedly monarchical, according to Madaghrī. The king’s body, more specifically his hand stretched across Morocco, held open for all who would accept its touch.

By laying the blame for Morocco’s incomplete independence at the feet of “crybaby” politicians, those same politicians who derided his use of the hadith, Madaghrī drew a line between strength and weakness, stability and compromise, and Islam and a lack of proper religiosity.¹⁶ Unliberated Morocco lay on the backside of each of these dichotomies, its continued domination bound up in the failure of the political class to effectively assert a strong, Muslim claim over the territories. But what was meant by territory? How did Madaghrī complete his triangle between God, sultan, and earth? This takes us to the most important, though least observed word in the Shadow hadith, “earth.” Understanding what Madaghrī’s premodern Muslim referents meant by earth reveals how they conceived of geopolitics more broadly and marks his distance from them.

“Earth” (*al-ard*) in the hadith calls attention to the spatial dimension of sultanic rule, pointing to God’s telluric power via His deputies. A systematic account

¹⁵ Ibid., 42.

¹⁶ Ibid., 7.

of the concept of earth is not forthcoming from Māwardī and Ibn Taymīya’s works; but a reconstructive reading conveys this significance. To understand what kind of morality was implied by “earth” (*al-arḍ*), the term can be compared with “world” (*dunyā*). Through this comparison we understand that the earth (*al-arḍ*), upon which God casts His Shadow, referred to a moral construct, albeit in a precise sense. For, *dunyā* was also primarily the site of a morality play, but its differing valence from *al-arḍ* is especially illuminating. *Dunyā* was thought to be the realm of human action, excluding the salvific discourses and practices known as *dīn*. Ibn Taymīya ventured: “The world [*dunyā*] serves salvific practice [*dīn*].”¹⁷ His claim was that the realm of action that the jurists called *mu‘āmalāt*, or human transactions and intersubjective relationships, supported the realm of *‘ibādāt*, or devotional practices and liturgical rituals. *Dunyā* was, in other words, a metonym for transactional relationships between human beings. By contrast, *al-arḍ* had the connotation of a material substratum. This can be seen in Ibn Taymīya’s interpretation of the Shadow. He used the words “space and time” to stand in for “Earth” (*al-arḍ*). Thus, *al-arḍ* was a radically undefined conjunction of the spatial and temporal planes. Yet, in the context of Muslim political theory, it would be a mistake to see *al-arḍ* as non-human nature. It was always the site of either social chaos (*fitna*) or political power (*sulṭān*).

In keeping with the idea that *al-arḍ* was always written over by either stabilizing power (*sulṭān*) or disorder (*fitna*), it was also the substratum underlying *dār al-islām* and *dār al-ḥarb*. For example, Māwardī noted that there were three kinds of seized land or earth (*al-arḍūn*) over which Muslims had sovereignty (*wilāya*): those seized by force, those that they took without violence because the inhabitants

¹⁷ Ibid., 232.

abandoned them out of fear, and those acquired by contract.¹⁸ Māwardī noted a difference of opinion within the schools of law as to what should happen to each of these types of land. There was agreement, though, that, in the first two cases, the land became part of *dār al-islām*. This was the case even when only non-Muslim inhabitants remained on the land. The third kind could, in some cases, become part of *dār al-islām*, in others it could be part of the Abode of Treaty, *dār al-‘ahd*. Of course, if the treaty was broken, the land reverted to the abode of war, *dār al-ḥarb*.¹⁹ Similarly, Ibn Taymīya spoke of the migration (*hijra*) of the Prophet Muḥammad in terms of *al-arḍ* becoming *dār al-islām*.²⁰ In other words, *al-arḍ* could not be thought apart from a political classification like the Abode of Islam, the Abode of War, and the Abode of Treaty.

This discussion indicates a broadly shared premodern Muslim “nomos of the earth.” A more thorough grasp of how premodern Muslim theories understood the connection between political power, law, and space can be had through an analysis of a one-sided debate that took place between Hannah Arendt and Carl Schmitt. In her work, *The Human Condition*, Arendt agreed with Schmitt that *nomos* concerned the confluence of order and orientation. Arendt indicated that *nomos* literalized laws of sovereignty and possession in the form of a hedge or wall. She wrote, “[The law of the city state] was quite literally a wall, without which there might have been an agglomeration of houses, a town (*asty*), but not a city, a political community. This wall-like law was sacred, but only the inclosure [*sic*] was political.”²¹ In her critique of Schmitt, made on the margins of her copy of *Nomos of the Earth*, Arendt held that

¹⁸ Abū al-Hasan al-Māwardī, *Al-Aḥkām Al-Sulṭānīyah Wa-Al-Wilāyāt Al-Dīnīyah*, Ed. Muḥammad Jāsim Ḥadīthī (Baghdad: al-Majma‘ al-‘Ilmī, 2001), 175-6.

¹⁹ Ibid.

²⁰ Aḥmad ibn ‘Abd al-Ḥalīm Ibn Taymīyah, *Majmū‘at al-fatāwā*. Vol. 18, (Alexandria: Dār al-Wafā’, 2008), 159.

²¹ Arendt, *The Human Condition*, 62-3.

the book was inherently imperialistic, despite Schmitt's hope that, "the earth has been promised to the peacemakers."²² Arendt wanted to maintain the durable spatiality of nomos but to reverse Schmitt's emphasis on land appropriation. Thus, *contra* Schmitt, she put distribution before appropriation in her analysis of *nemein*.²³ Doing so allowed her to fixate on contract and human intersubjectivity as the bases of the spatially-defined nomos, rather than imperialistic land appropriation. Yet, in her marginalia on Schmitt's *Nomos of the Earth* she lamented that, "perhaps all justice is built on an original injustice."²⁴ Meaning that, empirically, the establishment of a nomos often followed on land appropriation.

Māwardī showed no such abhorrence around land appropriation, violent or otherwise. In Māwardī's political imaginary, the expansion of the Muslim empire was always desirable. This was not just because the creation of a divine nomos would lead to the reign of *sharī'a*, as many modern scholars claim.²⁵ It was also because of the desire to keep chaos at bay. Political order and *sharī'a* were certainly related, albeit differently in different times and with different thinkers. But it is important that Muslim jurists often understood *dār al-islām* to denote security and protection, rather than the confessional identity of the majority of inhabitants. Decisions and disagreements about how a newly acquired land should be classified for tax purposes came only after the means by which it had been acquired was determined. This indicates that the establishment of *dār al-islām* was conceptually prior to the enactment of specific dictums of *sharī'a*. As with Schmitt, appropriation preceded apportionment. This stemmed, in part, from an amorphous conception of the earth as

²² Ibid., 39.

²³ Arendt, 63; Anna Jurkevics. "Hannah Arendt Reads Carl Schmitt's the Nomos of the Earth: A Dialogue on Law and Geopolitics from the Margins," *European Journal of Political Theory* 16, no. 3 (February 2015), 9.

²⁴ Quoted in Jurkevics, "Hannah Arendt," 15.

²⁵ See for example, Crone; Johansen, "Territorial Concepts in Islamic Law."

a collision of the temporal and the spatial realms that was always the potential site of unrest and chaos. In this conception of the earth, only a dyadic division between order and disorder was possible. The split was vividly portrayed in the image of the caliph as God's Shadow: either the Earth was covered by shadow or it was exposed to the blazing sun. Māwardī wrote:

God (sublime is His power) deputized a leader for the community [*lī al-umma*]—making him follow after prophethood, encircling the group with him like a wall [*ḥāṭa bihi al-milla*], and entrusting political life to him—so that management of worldly affairs could proceed from permissible salvific practice [*dīn mashrū'*] and so that [the ruler] could gather aimless chatter into legitimate opinion. The imamate is thus the foundation that stabilizes the rules of the group and organizes the interests [*maṣāliḥ*] of the community. Through it, general affairs are settled and particular jurisdictions are delegated.²⁶

For Māwardī, the imamate aimed for durability and sustainability. In this quotation, politics, the ruler, and the wall that encircles the community are made one-in-the-same. Change was foreclosed from the system or, at least, exceptionalized to the realm of the prophetic or the catastrophic. Māwardī made human activity in general respond to the worldly condition of instability. The ruler stood atop a hierarchical system meant to provide a secure life for the community. But, for Madaghīrī, weakness rather than unrest or chaos (*fitna*) defined an improper execution of *sulṭān*. In his speech, social chaos was not Madaghīrī's main target. Rather than unrest, Madaghīrī set the Shadow hadith against the tyranny of democratic order and secularized politics.²⁷

²⁶ Māwardī, 1-2.

²⁷ In his explanatory book, Madaghīrī would claim democracy was laudable and in harmony with the principles of Islamic governance on which Morocco's sovereignty rested. But it was not identical with those principles (Madaghīrī, 21). On the question of the king's relationship with God, Madaghīrī capitulated in his book. He wrote, "It is obvious to anyone of possessing an enlightened mind and an insightful heart that the word "sulṭān" in this noble hadith refers to the Sharia State which is represented by its leader as caliph, king, commander (*amīr*), the president of a republic, or other kinds of leaders (Madaghīrī, 11).

Madaghrī did not traffic in the concept of *fitna* directly. Instead, he erected several alternative forms of order which opposed Islam. Rather than chaos beyond the borders of the Moroccan state, he envisioned various shades of foreignness, some which erroneously claimed to speak in the name of Islam and others which were avowedly anti-religious. In the Shadow hadith, Madaghrī found responses to both of these challenging orders. The more abstract enemy—and therefore the enemy that stood in the place of *fitna* in premodern interpretations—was the threat of secularism. Madaghrī said, “The state stands for the Shadow of God on earth. And this is incontrovertible proof that secularism and laicism have no place in Islam. Islam wants *sharī‘a*-based states, which represent the Law of God and symbolize His Shadow.”²⁸ Madaghrī craftily replaced *sulṭān* with “state” here, making the latter the expression of God’s Shadow. He could not use the word “*sulṭān*” because to do so would be to indicate that the *sulṭān* could become secular, an idea that ran counter to the very nature of that figure.²⁹ In speaking of states, he shifted the context to an international field. He indicated that secularism was a foreign-made threat that resided in states and therefore could infect the Moroccan state as well. So, rather than protection from the Abode of War, Madaghrī understood the Shadow to be a bulwark against the pernicious forces of secularism. Beyond the wall was not a lack of order or social chaos. Instead, new orders had arisen which provided a new background for the Shadow hadith. The existence of secularism—and the more specific notion of laicism—gave the hadith new meaning, which Madaghrī deftly exploited.

²⁸ Madaghrī, 36.

²⁹ Later, he would claim that his willingness to speak of the state rather than the *sulṭān*, showed his flexibility with regards to the nature of governance in Morocco and his openness to democratic reforms. In the context of the lecture, however, he used “state” at this juncture as a way to address the international context in which states had become arbiters for religion rather than embodiments of it.

Madaghūrī, like his premodern sources, tried to foreclose change—Arendt’s notion of action—from the political system. For him, democratic systems had dangerously aligned the legislative function of governance with the decision-making function. Legislation in Islam, Madaghūrī believed, was divine, while the parliament or counselor (*shūrā*) body should make decisions within that God-given legislative framework.³⁰ The question of work—or Arendt’s world-building function of the political order—again marks Madaghūrī’s difference from his premodern sources. Here, Madaghūrī showed slightly more ambivalence than either Ibn Taymīya or Māwardī. For Madaghūrī, “earth” was not an abstract stage on which to signify sultanic power. It was territory. Nowhere in his speech did Madaghūrī challenge the territorial system. As such, he did not strictly accept the imperial notion that expansion by any means necessary was the only option for securing order in the world. Rather, he circumscribed “the Earth” to the much more limited area of Morocco and the Western Sahara. He turned the hadīth into an annunciation of Moroccan national inviolability. As an expression of territorial sovereignty, it, in fact, went beyond what had been promised by the United Nations (see: Chapter Four).

Only at the end of his talk did it become clear that Madaghūrī’s use of the Shadow hadīth related to Morocco’s occupation of the Sahara. He said:

History also records, my Lord [addressing the king], that those who rebelled against the just rule of the state and refused to acknowledge Morocco’s right over the Sahara were not alienated from international law. Rather, they were alienated from their religion. They distained the Book of God and the Sunna of the Prophet, peace and blessings upon him.³¹

This represented a major departure from the early state rhetoric following the occupation of the Sahara. In the King’s speech announcing the Green March, he relied

³⁰ Ibid., 47.

³¹ Madaghūrī, 48.

on the International Court of Justice's findings in order to justify his own rule in the Sahara. In that speech, analyzed in the previous chapter, the King positioned Muslim political-theology and international law as interlocking discourses. Here, Madaghri abandoned the pretense that international law supported Morocco's claim in the region. He used the failure of the international community to support that claim to prove the primacy of *shari'a* in the region. The coming apart of Moroccan political theology and international legal discourse (which had already given only dubious acknowledgement of Moroccan sovereignty in the region) provided opportunity for Madaghri to champion the former. History rushed in to prove Madaghri's point about the primacy of *shari'a*. In the absence of international legal conceptions of self-determination, he could wield the Shadow hadith against the Sahrawis. Madaghri's ontology, thus, did not neglect the more dangerous aspect of shadows. By failing to find shelter in God's Shadow, the Sahrawis had left Islam and deserved to be punished.³²

The critique of Madaghri's speech centered on the soundness of the Shadow hadith.³³ However, Madaghri saw in it an effort to pull down the political structure that he said rested upon the hadith. Where Ibn al-Ṣadīq wrote, "The topic [of Madaghri's lecture] is not sound, either by evidence or by argumentation. Research has to be built on a sturdy foundation, if it is not the research will collapse," Madaghri saw covert anti-monarchism and a weakening of Ibn al-Ṣadīq's religiosity.³⁴ Madaghri connected Ibn al-Ṣadīq rejection of the hadith to his stance opposing the Gulf War. Indeed, Ibn al-Ṣadīq had joined hundreds of thousands of Moroccans in support of Iraq and in opposition to the U.S. involvement and that of allied forces,

³² Ibid.

³³ For example, Ibn al-Ṣadīq attacked Madaghri's reliance on the scholar al-Suyūṭī (d. 1505), who, Ibn al-Ṣadīq, claimed had not properly authenticated the hadith. Madaghri, 53.

³⁴ Madaghri, 55.

including Morocco.³⁵ Ibn al-Ṣadīq had claimed that Morocco's involvement in the war had shown how the country's sovereignty was already punctured. Implicating Saudi Arabia's involvement in the war, he further asked, "How is it possible for me to go on the Hajj under the protection [*taḥta ḡill*] of a country against which I [personally] am fighting?" Ibn al-Ṣadīq used the same word *ḡill*—shadow or protection—from the hadith in question. While *ḡill*, as protection, need not have the divine connotation described in the hadith, Ibn al-Ṣadīq's use of it in the context of the pilgrimage to Mecca highlighted the failure of Saudi Arabia to enact protection of divine sites.

Ibn al-Ṣadīq's analysis departed from Madaghri's both in terms of his understanding of the means of assessing the veracity of the hadith and in terms of politics. At a deeper level, Ibn al-Ṣadīq had disavowed the fiction that Morocco represented the unique Abode of Islam in the world. Madaghri's lesson had assiduously avoided mention of other states and their respective claims to Islam. The rest of the world appeared as unwanted intruders, proselytizing alternative orders of governance. By reinvesting in Morocco as the Abode of Islam, Madaghri posited a claim to national sovereignty that went beyond what had been acknowledged by the international community. At the same time, he had to ignore the larger geopolitical forces to which Morocco was subject. Ibn al-Ṣadīq, by contrast, saw a system of nation-states engaged in a play of power. He believed that powerful poles, notably America and Israel (for which he used the anti-Semitic term, "the Jews"), shaped those states and had pulled Morocco into their game. His claim to Islam, then, tried to dissociate from the system of nation-states, even as it continued to be conditioned by

³⁵ *New York Times*, "WAR IN THE GULF; Huge Morocco March Supports Iraq in War," February 4, 1991, <http://www.nytimes.com/1991/02/04/world/war-in-the-gulf-huge-morocco-march-supports-iraq-in-war.html>.

that system (as, for example, in his support for Saddam Hussein's Iraq). Madaghri was correct that Ibn al-Ṣadīq's attempt to delegitimize the Shadow hadith was a political act. His attempt to desacralize the king's body was an attempt to locate Islam elsewhere than within the nation-state. It should be noted that territory itself was productive of this rift. The nation-state system of mapping power onto the surface of the earth, which was both precise and procedural, led to the necessity of two competing fictions: first that states were sovereign and second that that sovereignty was necessarily tempered by international accord. In Morocco, the imbrication of a particular Muslim *nomos* of the earth into this system produced a situation in which one's loyalty to the state and to Islam came to be increasingly associated.

The Spirit of the Law

Another thinker who wrote about Islam and sovereignty in the context of the Gulf War was the Moroccan feminist sociologist, Fatema Mernissi. Mernissi grew up in the conservative and affluent society of old Fez, in what she liked to call the "last of the harems." She was raised by a wealthy aunt who, despite having no formal education herself, insisted that Mernissi go to school. Mernissi attended Qur'anic and nationalist primary and secondary schools. As an adolescent, she was involved in the Fez-based nationalist movement, coming into contact with a number of its illustrious leaders. As a post-secondary student, she went to Rabat to study sociology at Muhammad V University. Her graduate education took her first to the Sorbonne and then to Brandeis University, where she obtained a Ph.D. in sociology. She returned to Rabat, where she taught at Muhammad V University and wrote a great many books, primarily in French.

Mernissi's work combined methods of sociology, history, comparative literature, and psychoanalysis. She was a feminist who later foreswore the term, for its

entanglement with forms of cultural imperialism. She was a secularist, who (increasingly) embraced Islam and Muslim sources. She was from the upper classes and was frequently critiqued for class-bias; though her work tried to take up diverse class perspectives. Her work was unabashed in its effort to seek women's liberation. Much of it sought to exhume Muslim women's history from the ground of what she called the "patriarchal interpretation of Islam." Thus, her work, *The Forgotten Queens of Islam*, picked up on a claim that Benazir Bhutto was the first woman premier of a Muslim polity and, in response, provided a long litany of Muslim women who were political leaders. Nearly all of Mernissi's writing incorporated elements of autobiography. Perhaps as a function of her use of her own life as a window onto larger issues, her writing was laced with irony and intentional contradiction.

The book in which she took on the question of the Gulf War, *Islam and Democracy: Fear of the Modern World*, was not an analysis of the compatibility of Islamic and democratic governance from a political scientific perspective. She did not attempt to submit one to the analytical lens of the other by asking, for example, if Islam contained the intellectual resources to support popular elections. Rather, it was an analysis of the affects and emotions prompted by the encounter of Muslim majority societies with democracy in a particular historical and geographical context. Specifically, it analyzed fear in Morocco and the wider Arab world, in the context of the Gulf War. Mernissi's method combined informal, sociological interviews with philosophical, psychoanalytic, and etymological insights. Most strikingly, she noted the spatial dimension of her object of analysis. The first chapter of *Islam and Democracy* began:

Gharb, the Arabic word for the West, is also the place of darkness and the incomprehensible, always frightening. *Gharb* is the territory of the strange, the foreign (*gharib*). Everything that we don't understand is frightening. "Foreignness" in Arabic has a very strong spatial

connotation, for *gharb* is the place where the sun sets and where darkness awaits. It is in the West that the night snaps up the sun and swallows it; then all terrors are possible. It is there that *gharaba* (strangeness) has taken up its abode.³⁶

Mernissi has been criticized for reinscribing the same Orientalist and Islamist dichotomies that she sought to discredit.³⁷ Such a claim could be leveled at this quotation, which, on first reading, posits that the Arabic language trucks a uniform psychology that is inherently suspicious of the West. On closer analysis, though, the spatiality of this claim undermines the East/West or Arab/West dichotomy. Instead, “West” or “the strange” exists on a relational continuum. The Far Maghreb once occupied this position of strangeness in this geographical construction. Mernissi seemed to relish Morocco’s continued positionality on the edge of the strange.³⁸ The linkage of the strange, the unknown, and the West, served the dual function of being a representation of the real effects of the imagined geopolitical division between West and East and, at the same time, a depiction of a psychic complex into which Mernissi would intervene.

For Mernissi, the pairing of the strange and the West was not an anomalous case of the spatialization of the categories of Muslim political thought. She also indicated the spatiality of the *imām*, as the one who stands at the front³⁹ and *sharī‘a* as the path to water. She wrote:

In Islam the words that relate to power and the relationship between ruler and ruled are spatial. This point will come up often because it forms the crux of the anxiety that the idea of instituting modern Western-style democracy arouses. Democracy recognizes no prescribed path to be

³⁶ Fatima Mernissi, *Islam and Democracy: Fear of the Modern World*, trans. Mary Jo Lakeland (Cambridge, MA: Perseus Pub., 2002). 13.

³⁷ See, for example: Carine Bourget, “Complicity with Orientalism in Third-World Women’s Writing: Fatima Mernissi’s Fictive Memoirs,” *Research in African Literatures* 44, no. 3 (Fall 2013), 30-49.

³⁸ Mernissi, *Islam and Democracy*, 14.

³⁹ *Ibid.*, 23.

followed, because such prescriptiveness would curtail individual freedom.⁴⁰

In this gloss, Mernissi's writing about *sharī'a* imbued it with a theology of predestination (*qadar*) and narrow prescription. She opposed the sense that there was but one path with a democratic political-theology of open-ended and plural pathfinding. At this juncture, her writing badly reduced and dichotomized Islam and the West. But it should also be observed that this reading of Islamic political theology was meant to be a reflection of a certain anti-democratic strain of contemporary Muslim politics. As the rest of the book would make clear, Mernissi believed that other possibilities remained open. Observing the spatiality of the categories of Muslim political thought allowed Mernissi to show these different poles. On the one hand, she depicted Muslim politics as operating in a different spatial configuration from other politics. On the other, she showed how Muslim polities shared geographical space with many others and thus would negotiate and change with them. Remarkably, she made explicit what most of the other figures analyzed in this dissertation only talked around: that political theorization in relation to Islam required a sense of spatiality and that the attempt to territorialize Islam in new ways brought about new psychic, social, and imaginative possibilities and problems.

Mernissi's geopolitical theological thinking was most pronounced when she theorized about the Arabic homonym, *ḥudūd* (sing.: *ḥadd*). The term literally means "limits." It is used in Islamic geography to refer to borders. But it has a more specific meaning in Islamic law, where it refers to crimes that transgress fundamental barriers. These violations are figured as crimes against God. The package of crimes in this category carry fixed punishments. Among them is the crime of "fornication" (*zinā*)

⁴⁰ Ibid., 25.

meaning sex outside of wedlock. Mernissi exploited the link between geographical limits and strictures around sex and women's sexual embodiment. She further expanded the homonym to encompass the hijab, which is another word for barrier but which, of course, refers to women's head coverings. She wrote:

The *hudud* inscribe in the flesh the basic order that makes it possible to walk peacefully in a city organized around the preeminence of the group, where individualism and desire are carefully hidden behind the *hijab*, maintained behind boundaries [...] the *hijab* is a metaphor for the *hudud*, the boundaries that separate and create order and stand for all the others, especially those that delimit *dar al-islam*, the land of Islam, and protect it from the rest of the world.⁴¹

Here, Mernissi described a geopolitical theology that relied on a coordination of bodily and geographical limits. She departed from the above-described premodern theorists Ibn Taymīya and Māwardī, by making the observation of Islamic law and the establishment of order to be concomitant. Yet, she maintained that chaos (*fitna*) was what the synchronization of the bodily and geographical limits was designed to keep at bay. For Mernissi, geopolitical theology was, by necessity, enacted through embodiment. The description of this normative order did not, however, preclude the eventuality of change within Muslim geopolitical theology.

The Gulf War was, for her, an instance of the opening of a new era in the relationship of Islam to the space of the Earth. This was brought about through the slackening of national borders, signified by the erosion of national sovereignty in the form of military interventionism, neoliberalism, and mass mediation. She wrote, "The Gulf War taught the Arabs these two lessons at least: first, no border can any longer protect us from the *gharb*; and second, since we have a certain degree of vulnerability to start with, the terror that befalls us becomes unbearable; facing what frightens us and

⁴¹ Ibid., 8.

understanding it is the only possible reflex.”⁴² On the one hand, she saw the in-rushing of systems of control built on Muslim theories of governance, “Relying on *ta‘a* [obedience] as the basis of politics will become the credo of a tele-petro-Islam transmitted by satellites.”⁴³ She described the making uniform of Islam. The concept of “tele-petro-Islam” indicated the existence of a global Islam that was also open to appropriation by individual powers, in the manner theorized by Madaghrī. On the other hand, Mernissi held out hope for recognition of Muslim plurality that transcended borders.

Read simply, the subtitle of the work, *Fear of the Modern World*, would indicate Islam’s apprehensive encounter with modernity. But her analysis suggested that “the modern world,” was not only the fearsome object but also the temporal location of fear. The modern world was, itself, fearful because of the acceleration of contact between peoples. She wrote that the book intended to uncover the operations through which the democratic and the modern were made to look foreign, “the manipulation of fears by pasting ancient anxieties onto modern ones.”⁴⁴ Though, she did not name him, Mernissi must have had the Moroccan Minister of Islamic Affairs and his associates in mind. Islamic legal and political theology was anti-democratic and anti-modern in as much as it had been represented that way by Madaghrī and others. These powerful figures had sought to control the political and religious spheres by recalling fear of unbelief (*shirk*) and the power of the feminine.⁴⁵ By looking at these fears and their psychic and historical roots directly, Mernissi proposed, they could be overcome.

⁴² Ibid., 14.

⁴³ Ibid., 168.

⁴⁴ Ibid., 15.

⁴⁵ Ibid., 127.

Mernissi drew liberally on the Arabo-Islamic archive and Moroccan folktales as critical analytical resources. One such story, drawn from the *Arabian Nights*, illustrated the central methodological insight of her book. In the tale, the ‘Abbasid caliph, Hārūn al-Rashīd—one of the central male figures in the *Arabian Nights*—wished to go out into the Baghdad night, disguised as a commoner. At the banks of the Tigris, the Caliph sought to commission a boat from a local captain. The old sailor refused, saying that each night the Caliph sailed the river, promising to kill anyone who dared run the river in front of him. As Hārūn al-Rashīd negotiated with the boat captain, a luxurious yacht appeared on the horizon. Row on row of soldier-slaves, standing at attention, flanked a throne at the center of the ship. Beside the throne stood a eunuch, with sword drawn, and a stately vizier. Atop the throne, which was draped in sumptuous red cloth, sat a handsome youth, clad in black, the color of the ‘Abbasid caliphate. Hārūn al-Rashīd stared, realizing that he was looking at the caliphate floating by; he was looking at himself.⁴⁶ For Mernissi, the story indicated that Muslims were frightened by democracy not because it came from outside but because it was an encounter with latent forces within. The prerequisites for democracy, including reason (*‘aql*) and opinion (*ra’y*), had been repressed in Islam.⁴⁷ An encounter with the West was making them reemerge.

Why did Mernissi choose this story to represent the terrifying encounter with self? She gave one answer when she wrote, “The *gharb* [West], by constantly talking about democracy, brings before our eyes the phantom ship of those who were decapitated for refusing to obey.”⁴⁸ The repressed, here, was not represented by the mirrored image of the caliph, *per se*. Instead, it was the caliph coming to terms with

⁴⁶ Ibid., 17-8.

⁴⁷ Ibid., 18-9.

⁴⁸ Ibid., 19.

his own brutality. The repressed was that which had been killed, a memory of the dead and therefore the realization that the dead continue on within the living. Decapitation signified the specific attempt to destroy individuality, freedom, and reason. Mernissi recalled classes of Muslims, including the rationalist theologians, the *Mu'tazila*, who represented reason, Sufis, "thirsting for freedom," and poets, who strove to announce individuality. All of these groups, Mernissi reminded us, suffered at the hands of Muslim political power. Like many Muslim modernists, she relied on a simplified portrayal of these groups as pursuing trans-historical forms of reason, justice, and freedom against the repressive hand of the state. While the reality was more complex than a purely oppositional relationship between these groups and political power, Mernissi meant to indicate the existence of resources within the Islamic past that provided the psychic grounds for democratic rule. Obedience could not be constituted without the existence of disobedience and waywardness. There is another reason why the story of Hārūn al-Rashīd encountering himself was useful for Mernissi. It indicated the multiplication of sovereignty. The apparition of the caliph's double became a figure for the normatively impossible plural sovereignty. It was not just that the king had two bodies; his other body was ghostly, a stranger.

Mernissi noted a strain of gender egalitarianism in Muslim theological thought, "Woman would be equal of man in all domains in Islam since she was also a believer and endowed with reason and will; but she was henceforward to be invisible in the political sphere."⁴⁹ Though this statement ran contrary to Mernissi's own investigations into the historicity of female leadership, it matched perfectly with what the Minister of Islamic Affairs, Madaghri, had said about a woman head of state. For him, the prohibition on a female leader was a signal difference between Muslims

⁴⁹ Ibid., 126.

states and modern constitutional democracies. But in a footnote, he clarified that it was not any particular quality of the woman which barred her from political office. It was a simple, heteronomous prohibition on female leadership.⁵⁰ Mernissi posed the question: if woman is man's equal in matters of reason and will, what barred her from entering political life?

To answer, she argued, a return to the "primal scene" was necessary. For Mernissi, that meant understanding the conditions of Islam's emergence. She argued that an understanding of the period of ignorance (*jahiliyya*) before Islam would demonstrate what Islam had accomplished. In this, she followed the psychoanalytic tradition. In his *Moses and Monotheism*, Freud compared the singular Jewish God with the multiple gods that He replaced. Freud wrote, "But most of them [are] local gods, dating from the period when the country was divided into numerous provinces."⁵¹ For Mernissi, too, the destruction of multiple gods led to the unification of people and land, bringing unprecedented peace and unification to Arabia. Also like Freud, Mernissi focused on the association of individual gods with natural elements.⁵² She thus marked a transition from immanence to transcendence. But the cost of that transition to peace and transcendence was the eradication of plurality and individualism, which resided in the different gods of the tribes.

Individuality and its destruction was signified most dramatically in the goddess al-'Uzza. Mernissi cited the biographer of the Prophet Muhammad, Abū Muhammad 'Abd al-Mālik ibn Hishām (d. 833), who stated that 'Uzza was the god of the Quraysh, the Prophet's tribe. 'Uzza was associated with image of a tree. Her

⁵⁰ Madaghri, 44.

⁵¹ Sigmund Freud, "Moses and Monotheism: An Outline of Psycho-Analysis and Other Works," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. XXIII, trans. James Strachy. (London: Vintage), 19.

⁵² *Ibid.*

shrine was a major site of pilgrimage; and she held a concomitant place of significance in the trading society of pre-Islamic Arabia. 'Uzza was also associated with the practice of human sacrifice, specifically the live burial of girls. According to Mernissi, the Muslims smashed the temple of 'Uzza, destroying her physically and also seeking to destroy her memory.⁵³

Mernissi's reading of the story of 'Uzza echoed Sophocles' play *Antigone*, and its reception in modern Continental philosophy. Mernissi's excavation of the story of 'Uzza was an effort to locate a Muslim site through which to think through the status of the psychic underpinnings of the political in contemporary Muslim societies. The tale of 'Uzza brought to the fore a number of the themes that are also present in Sophocles' *Antigone*: the confrontation of the two laws, two *nomoi*, and the trope of burial and internment in the earth. That play stages an encounter between Antigone, the daughter of Oedipus, and her uncle Creon. Antigone's brother Polynices had died in a battle of succession with her other brother. Creon, ascends to the throne and decrees that Polynices died an enemy of the state and should not, therefore, be buried or mourned. Antigone braves this decree and buries her brother. In a confrontation with Creon, she claims that she acted in the name of a higher law than his, the law of the gods. Creon condemns Antigone to enter a tomb for the rest of her days.

In 'Uzza, Mernissi saw the manifestation of violence. Islam, she said, had supplanted that violence with Mercy, *rahma*. The smashing of 'Uzza was violence against the violence of human sacrifice, in order to establish peace. It was not incidental that the pre-Islamic violence was specifically feminine. For Mernissi the destruction of 'Uzza was a repression of the violence that was associated with women. As with Hegel's reading of Antigone, the political was founded on the

⁵³ Mernissi, *Islam and Democracy*, 126.

exclusion of women, who represented the force of kinship and of family. As family complicates the subject's loyalty to the state, woman becomes an "internal enemy."⁵⁴ In her commentary on the Hegelian and Lacanian understandings of Antigone, the queer feminist theorist, Judith Butler, showed how Antigone did not represent the other of the political (as Hegel would have it) or the liminality of the symbolic order of kinship, through which cultural intelligibility is made possible (in Lacan's terms). Rather, Antigone, for Butler, demonstrated the mutual imbrication of politics and kinship and the inevitable aberration of kinship. Butler indicated the problematic relationship of desire between Antigone and Polynices. Hegel and Lacan both chose to ignore the incestuous desire. But Butler saw in it a possibility for thinking the family anew.⁵⁵

In her reading of the story of 'Uzza and Islam, Mernissi saw a confrontation between two notions of kinship, which were nevertheless bound together and implied in one another. Her focus on the god of the Quraysh, Muḥammad's clan, showed a confrontation of monotheistic kinship and descent, on the one hand, and the more complicated and troubling system of pre-Islamic Arab kinship on the other. Staging this confrontation was a way to challenge Madaghri and similar theorists. In his speech, Madaghri reiterated the requirement that the leader be a member of the Quraysh. This was important, said Madaghri, not just because it linked the leader back to Muḥammad, but because it linked the ruler to the whole genealogy of prophetic monotheism, through Ishmael.⁵⁶ Mernissi also drew this connection. She referenced "our ancestor," Abraham and the prophetic line of descent down to

⁵⁴ G. W. F. Hegel, *The Phenomenology of Spirit*, trans. A. V. Miller (London: Oxford University Press, 1977), 288.

⁵⁵ See: Judith Butler, *Antigone's Claim: Kinship Between Life and Death* (New York: Columbia University Press).

⁵⁶ Madaghri, 46.

Muḥammad.⁵⁷ However, she argued by way of Qur’anic interpretation that the Arabs had been separated from that line, while the Jews and the Christians had maintained it. Muḥammad’s reconnection with this line was predicated on a rejection of the worship of the sun, moon, and stars, symbolized in the smashing of ‘Uzza and similar goddesses. For Mernissi, the rejection of these natural divinities was a rejection of the feminine power.⁵⁸

What was Mernissi’s intent in turning our attention specifically to the child killer, ‘Uzza, among all the pre-Islamic gods and goddesses? The answer is that ‘Uzza most usefully demonstrated the confrontation of two forms of genealogical descent and two systems of kinship. Premodern Muslim biographers of the Prophet Muḥammad and historians indicated that Muḥammad’s own father, ‘Abd Allāh ibn ‘Abd al-Muṭṭalib, had narrowly escaped being the victim of the sacrificial rite of ‘Uzza. The point of the tale was to show the miraculous circumstances of Muḥammad’s birth. If his father had not avoided being sacrificed, Muḥammad would never have been born. Mernissi acknowledged that some Muslim chroniclers disputed the story, claiming that it erred by associating the miraculous with Muḥammad. But, even if we reject the historicity of the event, said Mernissi, the choice of the tale is revealing in that it shows exactly what the Muslims were rejecting: matrilineal descent, by which women had the power over life and death.⁵⁹ “Women must never have access to that which kills and introduces disorder: the power to govern the city.”⁶⁰ The rejection of feminine power and the closely associated worship of observable elements of the natural order introduced the “law of paternity,” which was predicated upon the upending of mortality. Where women represented finitude,

⁵⁷ Mernissi, *Islam and Democracy*, 124

⁵⁸ *Ibid.*, 124-5.

⁵⁹ *Ibid.*, 122.

⁶⁰ *Ibid.*, 136.

paternity—typified in the prophetic line—introduced the concept of resurrection (*ba'th*) and infinite life.⁶¹

By what perverse logic did Mernissi draw a connection between the murder of children and the reproductivity of women? She did not answer directly; but her textual juxtapositions point to a theory. Posed, as it was, against everlasting life, reproduction became aberrant. Further, Mernissi did not challenge the association of women with violence. Reproduction, she suggested, had an intimate connection with death. It could therefore be signified by the burying of children. To a degree, she was describing the contours of a patriarchal system that, she believed, had associated women with death and men with everlasting life. But she also let stand the association of women with the power, violence, and childbirth. Some feminist, queer, and trans critics would rightly see a problematic reduction of women to their bodily, reproductive functions; but Mernissi is aligned with theorists like Luce Irigaray, who insisted on the primacy of sexual difference.⁶² Irigaray's interpreter, Elizabeth Grosz, held strongly to the concept of sexual difference as the prime generator of difference in the world. Mernissi allowed that the figure of woman could take diverse forms; but she did not challenge the fundament of embodied sexual difference. In her critique of patriarchal Muslim political theology, she portrayed women as the embodiment of difference itself, which had been banned from the public sphere in the name of homogeneity and harmony.

It is important to realize that Mernissi was not purely engaged in a secular critique of the Islamic order as she described it. The solidarity and unification of the *umma*, she argued, served an important protective function against violence.

⁶¹ Ibid., 126-7

⁶² For a trans recovery of Irigaray, see: Gayle Salamon, *Assuming a Body: Transgender and Rhetorics of Materiality* (New York: Columbia University Press, 2010).

Observing the modern unification of diverse oppressed peoples around Islam, she wrote, “[Islam] has become, as at the time of its birth, a force for the destabilization of privilege, whether regional or global.”⁶³ In other words, she observed the structuring function that the dyadic divisions between Islam/war and *sulṭān/fitna* had played in premodern Muslim geological theologies. She observed that a connection had been forged between dictatorial government and individuality in the modern period. The solidarity of the *umma* was as bulwark against the former, at the cost of the latter. But she saw, too, that the Gulf War inaugurated a moment of fear that was open to democratic reevaluation:

The zero time [the moment before Islam] is frightening in the same way that the future is—the future it so much resembles, with its violence that assails Arabs from all directions, from within and without, that swoops down from the sky in the form of bombs controlled by demonic enemy forces like the deities of the *jahiliyya*, each as mad as the other.⁶⁴

In statements like this, Mernissi let stand the association of the democratic with the demonic. The Gulf War saw U.S. President George H. W. Bush declare the establishment of a “New World Order,” in which America and its allies would protect the sovereignty of individual nations. Yet, that same bloc had challenged a nation’s sovereignty in the name of national sovereignty; and the raining down of bombs on Baghdad coincided with the alleged promotion of democracy around the world. Mernissi identified with the fear of the demonic/democratic in the New World Order. But she also saw in the violence a chance for change.

Mernissi’s feminist critique of the sultan’s body was not just a destabilizing of its masculinity. She had accomplished that task through a reading of history in her book, *The Forgotten Queens of Islam*, and her pamphlet, *Can We Women Head*

⁶³ Ibid., 113.

⁶⁴ Ibid., 120.

Muslim State?, which undertook a feminist hermeneutics of the Qur'an and *sunna* to show the possibility of a woman ruler.⁶⁵ *Islam and Democracy* went further than either of those works by undermining the sovereign's singularity. Mernissi introduced female figures into the genealogy of Muslim kingship to break up the homogenization of rulership. This struck at the central, unspoken organizing principle of Madaghri's lecture: The Shadow hadith had functioned to make *the* sultan. It narrated the genealogy of Muslim sovereignty as though there were no differences between each temporal ruler. Hassan II was merely the latest representative of a line of rule that had been in place not only since Muḥammad's time but all the way back to Abraham. Mernissi's meditation on 'Uzza problematized this fictive bloodline genealogy by showing the crossing, diversity, and difference through which it progressed. Biological descent was a process of elaboration of difference rather than sameness. But Mernissi did not stop at a critique of the unity of the ruler; she also went after the homogeneity of his "flock." She wrote:

Women were veiled not only because their invisibility made it possible to forget difference and create the fiction that the *umma* was unified because it was homogeneous, but above all in order to make people forget what the Arabs of the *jahilyya* knew only too well: it is the body and its unconquerable sexuality that is the irreducible fortress of sovereign individuality.

It should go without saying that this represents a harmful reduction of the manifold uses and meanings of the veil amongst Muslim women. At this stage, Mernissi ignored that polyvocality and used the veil, instead, as metonymy for what she understood as women's seclusion from the public and political spheres. For her, women were the site of heterogeneity that threatened the shepherd/flock metaphor of monotheistic rule. The cycle of birth and death signified the possibility of difference.

⁶⁵ Fatima Mernissi, *The Forgotten Queens of Islam*, trans. Mary Jo Lakeland (Karachi: Oxford University Press, 2003). *Can We Women Head Muslim State?* (Lahore: Simorgh, Women's Resource and Publications Centre, 1991).

This insight struck at the core analogy that ‘Allāl al-Fāsī had made, in the mid-twentieth century, between national unity and divine unicity. Yet Mernissi also departed from a theorist like Butler by insisting on the “sovereignty” of the individual. This focus on individual sovereignty was a sign of Mernissi’s avowal of the state. As Lamia Ben Youssef Zayzafoon argues, Mernissi sometimes saw the state and state law as potential bulwarks against misogyny.⁶⁶ Mernissi was pursuing a Muslim political theology of the nation-state that was founded on difference rather than identity.

In her effort to establish difference as the ground for a political community, Mernissi rejoined Butler, who concluded her work on *Antigone* with a critique of Arendt:

What [Arendt] failed to read in *The Human Condition* was precisely the way in which the boundaries of the public and political sphere were secured through the production of a constitutive outside. And what she did not explain was the mediating link that kinship provided between the public and private spheres. The slaves, women, and children, all those who were not property-holding males were not permitted into the public sphere in which the human was constituted through its linguistic deeds. Kinship and slavery thus condition the public sphere of the human and remain outside its terms. But is that the end of the story?⁶⁷

Arendt had erred by valorizing the public to the detriment of the private. By polarizing the political and private spheres, she did not theorize how the former relied on the latter. Butler read *Antigone* as troubling the bonds of kinship that make the political possible and hence troubling the political. She used this reading of *Antigone* to open possibilities for theorizing models of kinship that were not structured by heterosexual monogamy. She asked the queer question: what vision of the political might emerge if we radically revised kinship outside of models conditioned by

⁶⁶ Lamia Ben Youssef Zayzafoon, *The Production of the Muslim Woman: Negotiating Text, History, and Ideology* (New York: Lexington Books, 2005), 26.

⁶⁷ Judith Butler, 81-2.

bloodlines and nuclear family structure? Mernissi's effort in *Islam and Democracy* was not to queer Moroccan political theology, though some of her work did leave space for the political ramifications of queer desire and relations. Instead, Mernissi set out to feminize and pluralize the political order.

While Butler accepted and theorized with Antigone's complicated, incestuous kin relations, she gave less thought to the violence of the play. For Mernissi, violence was an irreducible part of the story of kinship. Both Antigone and 'Uzza intertwined themes of violence and kinship. Both stories also made earth into the knot between these strands. Antigone had followed a "higher" law in covering her brother in earth. As punishment, she entered a tomb, accepting an encasement in the earth as a form of social death. Likewise, 'Uzza made the demand that offspring be buried alive. The goddess too was eventually buried, both in the earth and from the view of history, as a result of the clash between two laws, supporting two models of kinship. Mernissi saw in modernity a repetition of this encounter between two modes of legality and kinship.

In her most poignant and subtle critique of the singularity and masculinity of the king's body, she invoked a spirit or a hag. This was the female "monster out of the north," Haguza. Mernissi wrote:

Haguza comes once a year on a special holiday for which people prepare a ritual dish of rather thick couscous with milk. Haguza hides behind the shadowy staircase and watches for the child who makes any noise, ripping that child open if its mother does not intercede in time and say the required prayers. Suddenly the great mansion becomes silent, and the childish population is divided (as are Arabs today on the question of democracy) into two camps: those who want to encounter Haguza, and those whose jaws are locked with fear. I was of course in the second group.⁶⁸

Explicitly, Mernissi used the story of Haguza as a metaphor for democracy and its "superlaw" the United Nations Charter, which she said was in conflict with *sharī'a* as

⁶⁸ Mernissi, *Islam and Democracy*, 61.

encoded in many Arab state's constitutions.⁶⁹ She argued that while Arab-Muslim states had signed onto the Charter, they kept it hidden from their populations, "folded away in the attaché cases of diplomats." As Mernissi explicitly interpreted the story, the children's fear of Haguza stemmed not just from her concealment but also from her alleged foreignness: Mernissi said the tale had come from her aunt, who lived in the northern Moroccan city of Tetouan, which was home to Muslims who had been exiled from Andalus after the Reconquista. Mernissi infantilized Arab populations when she likened their fear of democracy to a fear of the unseen Haguza, but her argument was that the provisions of the U.N. Charter needed to be aerated into Arab societies through public debate, which would release them from their association with the West. Like, Haguza, the Charter had the air both of hiddenness and of foreignness. Yet, there was more to the story than Mernissi explicitly stated.

Several narrative points that are both endogenous and exogenous to Mernissi's telling of the Haguza story betray her simple analogy between Haguza and the U.N. Charter as two foreign and frightening apparitions. First, Moroccan folklorists have identified the tale of Haguza as pre-Islamic and indigenous to Morocco.⁷⁰ The day of Haguza's visit was a harvest day that occurred on the solar calendar, rather than the lunar *hijri* calendar.⁷¹ The association of Haguza with fertility and harvest was symbolized in the meal of milky couscous. Later in *Islam and Democracy*, Mernissi ruminated on the meaning of the institution of the *hijri* calendar as a major step in the creation of a new, Muslim order. The *hijri* calendar was significant, she said, because

⁶⁹ Ibid., 60.

⁷⁰ Edward Westermarck, *Ritual and Belief in Morocco, Vol. II*, (New York, Routledge Revivals, 2014), 168.

⁷¹ Larbi Arbaoui, "Morocco Celebrates 'Yennayer,' Amazigh New Year," *Morocco World News*, January 12, 2016, <https://www.morocoworldnews.com/2016/01/177245/morocco-celebrates-yennayer-amazigh-new-year/>.

it “was based on autonomy vis-à-vis the neighboring powers.”⁷² As can be intuited from her references to Haguza’s special day, Mernissi was likely aware that Haguza operated on the solar calendar. In other words, Haguza demonstrated interconnection with neighbors. Her emphasis on the ritual meal of a specially prepared couscous also undermined the sense in which Mernissi understood Haguza as foreign, revealing a more complicated understanding of autochthony. Finally, Mernissi’s interpretation of the story aligned Haguza’s frightfulness with her hiddenness. But the story itself described the spirit-hag as a child killer. In this frame, Haguza was associated with finitude, fertility, violence, and the earthly. These associations altered Mernissi’s stated analogy between the democratic principles of the U.N. Charter and Haguza. Rather than a foreign import, Haguza became a character who showed the complex undercurrents between the foreign/native binary. Haguza may have come from Spain but she also pre-dated Islam, unveiling a very old migratory connection between the northern and southern parts of the Mediterranean. Likewise, Haguza as child-killer turned attention to the violent possibilities of democracy.

If patriarchal interpretations of Islam had wanted to banish women from the political order, Mernissi showed the impossibility of that desire. ‘Uzza had not been excised from the Muslim order. She lived on as Haguza. Both of these figures allowed Mernissi to theorize women as sites of heterogeneity and difference. As with Arendt, this plurality provided the possibility of novelty and newness to be born in the political order. But unlike Arendt, natality was not primarily associated with action as, “that which goes on directly between men without the intermediary of things or matter.” The most significant element linking Haguza and ‘Uzza (and Antigone) was their association with the earth. In returning her readers to the earth—as the tomb of

⁷² Mernissi, *Islam and Democracy*, 138.

sacrificed children and the site of the harvest—and the body and its sexuality, Mernissi was proposing a dynamic relationship between world-making (what Arendt called work, or the activities that made the durable nomos of the earth) and the political (Arendt’s “action”). It was not the case that a political community could be constructed—a wall built—inside which plurality and newness could unfold. Instead, the wall would always be broken and the earth would change. Changes in the earth did not exclude the human, as with the U.N. Charter, which fostered unprecedented global connectivity through law; nor did the geologic and other “natural” processes exclude humans, as was signified by ‘Uzza and Haguza’s death and birth cycles. The interpenetration of the earth, kinship, and the political was the condition of change, of Arendt’s natality, newness being born into the world.

Mernissi’s book vacillated between allegiance to Islam and critique of it. As the scholar of Arabic literature, miriam cooke, has written, “No sooner has the reader pigeon-holed Mernissi as betraying one group than she attacks its enemy, positioning herself as part of that very same group. She will not be caught in the contradictions that she consciously constructs.”⁷³ This slippery form of multiple-critique was not just a methodology—and certainly not mere coy evasiveness—it was also a description of the contradictions of sociality and politics. Mernissi was equally incensed about patriarchal Islam as she was about cultural imperialism masquerading as feminist liberation. At times, she rendered Islam a bounded entity, which was plural within but nevertheless impenetrable from the outside. On the one hand, her archives did not announce (or allow her to announce) the condition of hybridity that instantiated Islam in its multiple contexts. Her representation of patriarchal Islam was, in some sense, a recapitulation and (unintentional) validation of it. On the other, her effort was

⁷³ miriam cooke, *Women Claim Islam* (London: Routledge, 2001), 75

to show how Islam was constituted through operations of difference and othering that were never complete. The story of ‘Uzza showed how these cults remained a part of Muslim political and social life. Similarly, Haguza challenged the dichotomization of native and foreign, self and other. Haguza had come from Spain with Andalusian émigrés, but she also was part of pre-Islamic, Amazigh tradition. This contradictory account upends the trope that has run through this dissertation of the Maghreb as the last refuge of Islam. We first encountered this sentiment in the work of the fifteenth-sixteenth century jurist, al-Wansharīsī; and it was reiterated by ‘Allāl al-Fāsī in the mid-twentieth. Haguza was a pre-Islamic Muslim tradition and spirit of foreignness that was indigenous to Morocco. Through this foreign/native, seen/unseen female spirit, Mernissi questioned Moroccan claims to autochthony. She argued that even if the United Nations Charter was foreign to Morocco, it could be made indigenous. Ultimately, then, Mernissi showed that the claim to the land was always plural. There were multiple claimants to the land and, at the same time, every claimant possessed a plurality of “selves.”

Conclusion

This dissertation was written during the largest displacement of human beings on record. At the end of 2014 the United Nations Refugee Agency recorded 59.96 million displaced persons.¹ At the end of 2016, the organization reported 67.75 million displaced persons, a 13% increase in a two-year period. At the end of 2000 there were 21.87 million persons, a staggering 210% increase in the first sixteen years of the twenty-first century.² The U.N. reported less than 7,000 displaced persons living in Morocco at the end of 2016. But the country is a major transit point for people of multiple nationalities, including Moroccan, hoping to make it to Europe. Displaced persons try to make the northward crossing from the Moroccan Mediterranean coast. Some hope to enter Europe on the African continent, in the form of Ceuta and Melilla, the Spanish enclaves on Morocco's north shore. Migrants regularly die at the fences that encircle these enclaves, often at the hands of Spanish and Moroccan security forces.³ According to the U.N. there are 90,000 displaced Sahrawis living in camps in Algeria,⁴ though some estimates go as high as 165,000. There are tens of thousands more encamped in Mauritania.

In the context of a dissertation that considers the role of religious discourse in the establishment of a national territory, these figures are especially disturbing. This dissertation has focused on Moroccan statist discourse and the more rarefied critiques of that discourse, mostly coming from Rabat. It has not heard voices from the margins, either the physical borderlands of Morocco or those persons who live

¹ This figure includes refugees, asylum seekers, returned refugees, internally displaced persons, returned internally displaced persons, stateless persons, and others of concern.

² United Nations High Commissioner for Refugees, "Population Statistics," accessed January 1, 2018, <http://popstats.unhcr.org/en/overview>.

³ Nick Davies, "Melilla: Europe's Dirty Secret," *The Guardian*, April 16, 2010, <https://www.theguardian.com/world/2010/apr/17/melilla-migrants-eu-spain-morocco>

⁴ U.S. Department of State, Bureau of Democracy, Human Rights, Labor "Western Sahara," 2007, accessed January 1, 2007, <https://www.state.gov/j/drl/rls/hrrpt/2007/102555.htm>.

marginal lives within the Moroccan heartland, though there are many such voices. Instead, this dissertation told the modestly successful twentieth century story of the attempt to make Morocco into an abode, both of Islam and of a nation—*dār* as territorial, Islamic nation-state.⁵ The migration crisis and related forms of precarity were not incidental byproducts of this success. This twenty-first century cataclysm was portended by the idealism of Moroccan Muslim postcolonial thought. It was an integral part of it. Deleuze and Guattari's dictum that every territorialization is accompanied by a deterritorialization seems almost prophetic in its acuity.

As mentioned in Chapter Five, the Moroccan Armed Forces constructed an earthen barrier, known as the Berm, on the eastern edge of the Sahara in the 1980s. In her work, *Walled States, Waning Sovereignty*, the political theorist, Wendy Brown, lumps the Berm in with similar border walls, including the above-mentioned fences around Ceuta and Malilla, the U.S.-Mexico wall, and the "Security Fence," in Israel-Palestine. While these walls claim to project state power, Brown argues that they are actually signals of the diminution of the nation-state. They are weak attempts to project sovereignty in the face of the increasingly intractable flows of humans, capital, and materials over borders. Most importantly for this dissertation, Brown argues that these walls are theological, in the sense that they lay claim to divine right in response to non-state forms of religious power and violence. In the case of the Berm, Brown is clearly right that the theological plays an indispensable role. However, Brown does not admit of anything beyond the "theological," as an

⁵ I speak of success in terms of the current Moroccan regime's continued domination of the political sphere. Anti-state protests that began in Morocco's northern Rīf region in the fall of 2016 notwithstanding, Morocco has not been rocked by the kinds of unrest experienced by many states in North Africa and the Middle East in the twenty-first century. This does not mean that all or even most Moroccans experience opportunities for success in the country. On the Rīf protests, see: Raphaël Lefèvre, "'No to hoghra!': Morocco's protest movement and its prospects," *The Journal of North African Studies* 22, no. 1 (2017), 1-5.

attribution to God. She does not note the specific theology—or theological questions—that are posed by the state that built the Berm. This lack of specificity cuts off the possibility that geopolitical theologies outside of western Europe might continue to endure. It therefore undermines her own thesis. If the political is always already theological, if secularism is always already Christian, then what matter does it make that states have returned to the theological in this period? Considering the specificity of states' theological claims revitalizes this theory because it helps us see how state actors used different theological archives to proffer responses to new geopolitical situations. At the same time, the “geo” in geopolitical ties these responses together, allowing them to run in parallel with global developments.

Early on in the life of the Berm, the anathematizing of the Saharawis was carried out in the language of the Cold War. The Minister of Islamic Affairs, Madaghrī described how the Sahrawis “left” (*kharaja*) the Shadow of God, thus placing them outside of the fold of Islam. Other Moroccan state discourses linked the Sahrawis with third-worldist communist atheism. Today, they are described—in the language of the War on Terror—as deviant, violent Muslims. In both instances, their exclusion is based on the failure to be properly and singularly Muslim, rather than for a reason of race, ethnicity, or language. In this sense, the Berm is actually different than the border walls around Ceuta and Melilla, the US-Mexico border wall, and the Security Fence in Palestine. All of those walls rely on the censure of forms of difference—religious, national, linguistic, and ethic—that are taken to be primary and primordial. With the Berm, the operation is reversed. Identity and sameness—the identity of Muslims—is later only divided by ethic and linguistic difference. Or so Moroccan official discourse would have us believe.

Since Fāsī's early theorizations of Greater Morocco, there was the effort to make the oneness of the nation coterminous with the oneness of the religious community (*umma*), both of them hypostases of divine unicity. Recall Fāsī's hurried and harried search for a ground on which to build a common life. Greater Morocco was this ground. It was, in Fāsī's understanding, a religious concept. His irredentism was in the service of a return to religiosity, not, as most have understood it, the cyclical deployment of Islamic thought and history to enrich the nation by expanding it. Religion—the combination of doctrine (*'aqīda*) and revealed norms (*sharī'a*)—for Fāsī was precisely the name of this aspiration for *communitas*. Religion was what happened “on the ground” and what gave the Maghreb its quality as a hospitable home for Muslims. Islam was unmistakably postcolonial in this iteration. It was an alternative sovereignty to the one proposed by the colonial nomos, with its emphasis on the central state. Greater Morocco was the idea of religion as the commons. But it this was a commons built on an untenable homogeneity. Greater Morocco, as it appeared in cartographic form and in Fāsī's description, was a uniform space. But the uniformity of his vision collided with heterogeneous reality of the Maghreb and the Sahel. His desire to create a space of belonging also trafficked in its own form of sovereign suppression of difference. As Berlant writes, “Belonging intends property, sovereignty, politics, tradition, being obligated, and sharing qualities.”⁶ The Sahrawi rejection of Moroccan sovereignty gave the lie to the unity that Fāsī believed linked all Muslims. The consequence, even if unintended, of Fāsī's theorizing was the wall that the Sahrawis call, “the wall of shame.”

Society, State, and Religion

⁶ Berlant, “The Commons,” 407.

In his life and scholarship, Fāsī challenged the dichotomization of state and society, lending proof to the idea recently set forth by the scholar of Islam, Noah Salomon. The state, in Salomon’s ethnographic account of Sudanese politics and religion, is not the autonomous brain of a society, organizing and reorganizing its social limbs—a metaphor common to the long history of political theory. Rather, it is as if a node on a jellyfish’s neural net, reacting and undulating together with other nodes. In pushing the state back down into society, Salomon subtly but powerfully departs from an important, anthropological strain of thought about Islamic states. That strain, which I referred to as “Asadian” in the introduction, describes how the state radically transformed the practice of Islam and Islamic law. Salomon argues that this represents, perversely, a scholarly allegiance to the state. His ethnographic eye watches as long running Muslim discourses flow in and out of the semipermeable membrane of the state and other societal institutions. He witnesses how older religious forms—praise poems to the Prophet Muḥammad, for example—endured and transformed their meanings with the rise and subsequent reconfigurations of the nation-state.

In the Moroccan Muslim discourses considered here, there is ample reason to appreciate the endurance of precolonial and premodern Muslim thought in the context of colonial modernity. In the early part of the twentieth century, the jurist Wazzānī operated in a Maghrebi and Andalusian Mālikī tradition. His compellation of fatwas was even titled to reflect its status as an updating of the fifteenth/sixteenth century jurist Wansharīsī’s work, *The Standard Measure*. With *The New Standard Measure*, Wazzānī positioned himself in a long line of Mālikī legal thinkers. Two of his fatwas telescoped this tradition as it related specifically to territorial matters. In fatwas about Maghrebi agent-citizens of the French and the validity of legal testimony given by

Muslims living in non-Muslim lands, Wazzānī gave clues as to how he understood territory. In the former, he condemned a Maghrebi judge who sought the protection of the French. In the latter, he criticized Wansharīsī for disallowing testimony by Muslims residing in non-Muslim lands. In a dramatic twist on this long history of Muslim legal thought, he proclaimed that the existence of the Abode of Islam was contingent on the practice of rituals, not the reign of a Muslim ruler. Despite the fact that he so forcefully departed from earlier masters, the important point is that Wazzānī operated in a discursive field which they helped to create and shape. He used their central concerns and methodologies against them.

The colonial thinkers analyzed in Chapter Two did not so obviously adhere to a scholarly guild as Wazzānī. Thinkers like Kattānī, Ḥajwī, and Sūsī showed the reformist's penchant for intellectual cherry-picking. For his part, Kattānī partook of the tradition of narrating political theory as history. Focusing on the history of kingship in the Maghreb allowed him to position that geographical space as the proper seat of the Muslim political theology, without having to say as much. By adhering to genre conventions, he maintained the semblance of rootedness in a particular tradition; but his references were a bricolage of important and useful thinkers for his argument. He drew on thinkers from the ninth century historian, Mas'ūdī, to the nineteenth century reformist, Ṭaḥṭāwī. Through this history, he theorized about a form of "prophetic governance" that combined religion and worldly politics, "such that they could almost be covered by a single name: 'religion.'"⁷ His story of the Nubian king reprimanding the son of the deposed caliph made it clear that the 'Alawis' capitulation to the Europeans put them outside of this political-theological paradigm, even though, again, Kattānī never said as much explicitly.

⁷ Kattānī, *Niẓām al-ḥakūma*, 1:11.

Muḥammad ibn al-Ḥasan al-Ḥajwī took the opposite approach. He participated in the creation of new genres—the history of Islamic law, for example—as a way to think through the revivification of Muslim political theology in the nation-state. Unlike Kattānī, he did not remember ancient politics as a way to imagine the future. His futurity was based on comparison and borrowing from Europe, undergirded by authorizing texts from Muslim traditions. Ghazālī gave him warrant to position *fiqh* as a “worldly” science. Like Ghazālī, Ḥajwī maintained that there was an irreducible and inseparable relationship between religion (*dīn*) and world (*duynā*); but he shifted emphasis subtly to the worldly side. Ghazālī had understand the world as important as a site of provisioning for the Hereafter. Ḥajwī believed that religion was an important as a governor in earthly matters. He was a mimic man who, by appropriating European modes of intellectualism and governance, opened up new possibilities for the flourishing of Islam in the nation-state. Ironically, it was his allegiance to the concept of the state that led to his anathematization by the postcolonial state.

Al-Mukhtar al-Sūsī, by contrast, was deeply integrated into the postcolonial state as independent Morocco’s first Minister of Islamic Affairs. His intellectual pursuits were guided, however, not by an urge to create a national Islamic literature but by the desire to establish a sub-national region as intellectually important. His feverish attempt to account for the Muslim scholarship and literatures of his homeland of the Sūs, in mid-southern Morocco, is difficult to situate. On the one hand, it displayed an allegiance to the personages and writings of the Sūs. On the other, he approached and often criticized these writings through the lens of the “new age” of reformism, which mostly came from Egypt. One way of thinking of Sūsī’s project would be to see him as a literary-religious irredentist. He wanted to reclaim the Sūs as

a territory that was important in the world of Islamic thought. In his many biographical dictionaries and encyclopedias of the region, the Sūs took up its place both within the Maghreb and within the larger Islamic world. As has been argued, Sūsī rarely came off as a nationalist. Instead, he showed far greater interest in thinking in terms of large blocs—the postcolonial or the Islamic world against the West, for example. This fact might, on the surface, challenge my claim that his project was an intellectual irredentism, because of that term’s close association with the nation-state. However, even this proclivity to thinking regionally (both sub- and supra-nationally) bespoke his integration into the territorial system. The world map that Sūsī put the Sūs onto was one conditioned by the kind of competitive and (paradoxically) exclusivist sovereignty of bordered states.

All of these thinkers had an ambiguous relationship to the state. Fāsī and Sūsī were, in various ways, critical of the state. Sūsī looked ahead to the withering away of the state and the return of the global *umma*. Fāsī was a committed Maghreb-supremacist; but he located the Maghreb in a diffuse and complex sociality, not in the concretized form of the state. Despite this ambivalence, Fāsī and Sūsī were also deeply embedded within state structures, both practically and intellectually. Ḥajwī was less critical of the state but wound up, tragically, on its bad side. Kattānī understood Prophetic government to be the unfolding of the Muḥammadian impulse in successive dynasties. As such he proclaimed the centralization of power in caliphal hands, even as he disapproved of the contemporary claimants to that power. All four were half-willing architects of the postcolonial Moroccan state. All unwittingly contributed to the state’s power, which lay, in part, in its irredentist project. But it was ultimately Fāsī’s effort to remember the Maghrebi empire within the Moroccan state that won the day.

Morocco's occupation of the Western Sahara was the statist fruit of his anti- or ambivalently statist project. That project's most ardent religious supporter, 'Abd al-Kabīr al-'Alawī al-Madaghri, took up the irredentist drumbeat but bled Fāsī's decentralization thesis away. *Communitas*, Madaghri argued, was not possible without the sovereign protector, God's Shadow. This Hobbesianism participated in the concept of the bordered nation. The POLISARIO were outside of God's Shadow because they were outside the borders of "Morocco." But it also maintained the antibalance-of-power desires of the imperium. Madaghri was the first thinker analyzed here to give up all but fanatical support for the Moroccan state and throne (apart from Morocco's lawyers in the case at The Hague and the kings themselves). His thesis completed the merger of the Moroccan territory and the king's body. His focus on the sultan's shadow recapitulated Deleuze and Guattari's understanding of the transition from the body of the Earth to the body of the Despot. Without the king's body, Madaghri argued, there could be no territory, no protection, and, hence, no Islam.

Islam Territorialized and Deterritorialized

As our history progressed, these thinkers become progressively less moored from genealogies of Maghrebi thought. Remarkably, then, the more fervently attached to Morocco as a seat of Islamic sovereignty a thinker was, the less rooted in Moroccan scholarship he or she was. This was not incidental. Nor was it merely a factor of an abstract modernism or reformism that detached thinkers from guild-affiliations. At the early end of the twentieth century, Wazzānī was deeply invested in Andalusian and Maghrebi thought because he continued to see it as a part of a larger Abode of Islam. The region did take on a special status in the wake of the

Reconquista and Wanshrīsī's new formulation of the Maghreb as a unique site for Muslim flourishing. But it also continued to carry Ibn Rushd al-Jadd's insistence that the Maghreb and Andalusia were unique mostly because they were a long way from Mecca. Within this vast space of Islam—a space which was, in fact, no longer hemmed in by the existence of a Muslim leader—the Maghreb offered up its own tradition of legal thought. The decades just before and after Moroccan independence saw thinkers, such as, Sūsī, 'Abd Allāh Gannūn, and Fāsī who referenced Maghrebi thought less than Wazzānī. More important than how frequently they cited their Maghrebi forbearers was how they cited them. Sūsī approached scholarship from the Sūs as though it comprised the primary sources on which he would bring to bear the theoretical apparatus of modern reformist discourse. Gannūn created an intellectual map of the Moroccan literary field, drawing together thinkers from diverse regions and time periods to make a national religious literature for Morocco. Fāsī took this impulse to the maximum extent by attempting to create a total archive for and of Greater Morocco. Among these thinkers, only Kattānī—the most invested in the nation-state—disinvested strongly from Maghrebi traditions of Muslim thought. His history of Islamic law considered each school in turn, without a great deal of apology for Mālikī or Maghrebi traditions.

At the other end of this history from Wazzānī, Madaghrī made almost no reference to premodern thinkers of Maghrebi extraction. Instead, he stacked references to thinkers who have become *the* theorists of Islamic political theory, where Islam is shorn of any adjectival toponym. He layered Māwardī, Ibn Taymīya, and others like great slabs of homogenous Sunni political theology. He made them speak in unison of coherent and consistent theory of the caliphate, which was only differentiated from deviant Shi'a and Mu'atazila ideas of leadership. Likewise,

Mernissi painted in broad strokes that divided Muslim intellectual history into orthodox and heterodox segments. She reversed the hierarchy of the dichotomy, championing the deviant agitators over the normative elements. She hoped to inject these “democratic” traditions into the Moroccan nation-state.

While seemingly contradictory, it is actually not surprising that the more a thinker invested in the Moroccan state, the more abstracted from Maghrebi intellectual traditions his or her work became. For these thinkers, the nation-state came to stand in for the whole of the Abode of Islam. Particularly for Madaghri, the unitary and unique nature of the Moroccan throne meant that he could apply a singular and universal theory to understand it. The territorial nation was an abstract entity. It replaced the migratory and sedentary relationships people had with the land with a more abstruse claim. In Deleuze and Guattari’s terms it was, “deterritorialized.” Madaghri ignored the historical complexity, plurality, and negotiations involved in premodern uses of terms like “the Abode of Islam” and the “Shadow of God on earth.” Instead he translated directly from these terms to the Moroccan territory. Morocco was the Abode of Islam. For this reason, there was little reason to invoke a distinctively Maghrebi genealogy of thought to theorize it. *The* Islamic political-theory would prove the point. Madaghri’s abandonment of Moroccan sources in order to prove Moroccan sovereignty is another way in which territorialization is always accompanied by a deterritorialization.

Islamic All the Same

Despite their many differences, these thinkers were united by a commitment to the questions posed by and the answers that came from within Islamic intellectual history. As with Salomon’s Sudanese subjects, their concerns remained the same, even as they accommodated to new political realities. They were preoccupied with the

relationship between political and legal power—between the *sulṭān* and the *qāḍī*. They asked questions about the multiplication of Muslim power despite a normative focus on a single caliphate. They fretted about association with and subjugation to non-Muslims. And they worried about how Morocco might endure as a Muslim polity even in the face of the growing influence of non-Muslim powers. The question that tied all of the others together was: how do earthly politics avail themselves of the divine? These were questions that occurred to thinkers from Māwardī in the tenth and eleventh centuries to Wazzānī in the early twentieth. They continued right down to Madaghrī who, for all his certainly, was perhaps the most anxious about maintaining a Muslim nomos.

The endurance of these questions signal that the state was not entirely secular, by which I mean it was not fully integrated into the distinctively Christian genealogy that Asadian scholars have said subtends the nation-state, in all its instantiations. In this formulation, the state rises to claim the space of religion; but, rather than ridding the political sphere of religion, it coopts its language and logics, utilizing them to its own ends. The argument goes that European states have claimed that they are secular when, in fact, religion (read: Christianity) continues to shape politics and society in ways that go unacknowledged. Meanwhile, Islam has also been replaced by “Protestant secularism.” To utilize an arborescent analogy: aboveground, the leafy tree-crowns of Euro-American secularism appear as a space that is free of religion or, at least, as religiously neutral. Meanwhile, the Christian roots of the “secular” tree continue to shape the branches. Muslim states present as though a reflection in a mirror pond. State politics in Muslim societies appear as a jumble of exposed “religious” roots. But, in fact, those roots are shaped by Euro-American secularism and, hence, Christianity. What these states term “Islamic” is, in fact, secular; and

secular means Christian. As key evidence of this situation, scholars of Islamic states have most often cited family law. The very notion of the private sphere of the family, they argue, is produced out of Christian sectarian struggle and the birth of secularism. This is why to speak of “Islamic law” in Muslim nation-states is to speak of family law. It is for similar reasons that the scholar of Islamic law Wael Hallaq writes that the Islamic state is an impossibility.

Our focus on territorial and constitutional issues, however, has revealed that Muslim discourses in Morocco retain a durability around which the state can be modeled. The thinkers herein considered understood the nation-state on their own terms. In helping to shape Morocco’s Constitution, thinkers such as Gannūn and Fāsī embedded answers to Muslim political-theological questions into the state’s very structure. Thus, it was not just a process of translating Islamic norms of governance into terms recognizable by the nation-state form. Islamic norms also conditioned the Moroccan state. These thinkers took different approaches to the question of whether power ought to be vested in the hands of the sultan or the judge. If actors on behalf of the nation-state pulled the answer to this question steadily to the side of the sultan, this did not undermine its Islamicity. They were merely asserting the state’s power over the question as premodern Muslim states had also done at times and within the technical extent of their power.

Burke’s notion that “Moroccan Islam” was a twentieth century invention and tool of governmentality is partly true. One would be hard pressed to find this locution in precolonial materials. Furthermore, the traits taken to be part of that alleged version of Islam—Sufism and saint veneration, for example—certainly did not monopolize the range of Islamic expression in Morocco. Nor did (or do) these traits stop at the border of Morocco. However, from Wansharīsi’s time, Moroccan theorists have been

thinking of the Maghreb as a unique space within Islamdom. The postcolonial Moroccan state's attempt to monopolize Islam, to turn it into "Moroccan Islam," and to use it as a system of control, was not invented from whole cloth or made fresh out of the colonial archives. The geographical space of the Far Maghreb, more than any traits, conditioned an Islam that was theorized to give coherency to the Moroccan nation-state. Wanshrīsi's claim that the Maghreb was a unique refuge for Muslim flourishing reverberated through all the twentieth century thinkers herein considered, up to and including Hassan II and Madaghri. It was not so much that the colonial period marked a change from a diffuse "body politic" to a king-centric sovereignty, as the Moroccanist Ellen Amster argues. The king was important in precolonial Morocco as well. What was new was the precise way in which Islam in Morocco was posited as universal. This had everything to do with the coming into being of territoriality. Territory—defined as the state's (illusory) government of a defined space—created the (equally illusory) sense that the state had control over religion. To control the territory was to control religion and vice-versa.

Albeit Differently So

I argued against viewing both moments of Moroccan irredentism (Greater Morocco and the Western Sahara) as the absorption and redeployment of an essentially European form of colonialism. To argue otherwise would be to splice the Moroccans out of their own history. But this focus on the endurance of Muslim discourses does not mean that there is nothing new under the sun. Moroccan irredentism was founded on a desire to reclaim *territories* thought to have been unjustly taken. Territory itself was an anachronistic term from the perspective of the nineteenth century Sahara—the critical period for determining which state properly possessed the Western Sahara, according to the International Court of Justice. That Moroccan irredentists used devices of non-territorial, Muslim governance to make a

territorial claim is indicative not of their abandonment of Islam in favor of an essentially secular *nomos*. Instead, it represents the merger of Islamic and territorial *nomoi*: not just the conscription of Islam into territoriality, but also the alteration of territoriality along Muslim lines.

This dissertation has proposed that a motive force of changes in the configuration of religion is geopolitical. Geopolitics in this frame is not simply interstate or inter-power competition. It is an understanding of global power relations that takes account of the surface of the earth. The materiality of the earth, its dynamism, and its finitude all impressed themselves on the Moroccans asking the question of how to understand the nation-state. Changing technologies and global concepts of rule altered the very concept of earth. The *nomos* of the earth was not, as Schmitt would have it, constant. Rather, new *nomoi* came into being and realigned political and religious relationships. The theorists herein considered adapted as well. But they did so with reference to the long history of Muslim political thought. In other words, “earthly” was not incidental to the Muslim political-theological question of how coordinate earthly politics with divine sovereignty.

To think geopolitically is to think relationally. There can be no territory without territories, no border without at least two regions. This was true in the premodern period as well. But, as Lauren Benton’s work shows, premodern and early modern polities had significantly more overlap, partly as a feature of their “lumpy” spread and ill-defined edges. Geopolitical theology is also relational. The coming into being of territory produced hard-edged political theologies. Madaghri theorized a Moroccan geopolitical theology that stopped precisely at the border. It was a theology armed with landmines and dotted with military outposts. This does not mean that premodern geopolitical theologies were any less normatively exclusive or

exclusionary. It simply means that operations of exclusion happened on less clearly defined geographies. Nor does it mean that territoriality has replaced relationality. Throughout the twentieth century, Moroccan geopolitical theology both retained its Muslim character and adapted to match new territorial circumstances. One of the reasons that Madaghri could develop the seemingly paradoxical strategy of offering a geopolitical theology of Morocco that was distinctively un-Magharbi in its referents is that territoriality in his period took on a uniform face. The concept of territory flattened the earth, stripping it of its distinctive features, the intimacy of its twists and turns, the familiarity of its rises and falls. It was not marked by its distance from Mecca or its unique capacity to welcome and provide for the pious Muslim. It was simply a territory like any other. But it was *territorialized* by the Moroccan state, by the deputy of God on earth; and so it became the Earth, singular and undifferentiated. The period of the 1980s and early 90s accelerated the puncturing of this territorialization in practice. This, in turn, contributed both to the sense that the Moroccan territory was but a territory among many and to the vigorousness with which it was theorized as the sole Abode of Islam.

The forces that made Morocco into a territory were not merely delivered by European colonizers. Instead, they were born of a series of historical interactions and relations, across uneven power differentials. New geopolitical moments unfolded not as a series of impositions but as a set of negotiations. Sometimes, the Earth itself played a role in these developments. The drawing of a firm boundary between French Algeria and southern Morocco, for example, was only prompted by the discovery of valuable minerals in that part of the world. New theologies were born of these moments. Just like Madaghri, all of these Moroccan theorists of Islamic law, politics,

and theology were ensnared by changing territorial system. Within this, they produced distinctively Moroccan, Muslim geopolitical theologies.

Territory's End

While Muslims had debated the compatibility of Islam and modernity for a century, this debate did not appear with force in Moroccan discourse about Islam and territoriality until the 1980s and early 1990s.⁸ Before that time, anticolonial thinkers had appropriated strains of nationalist and Muslim political theory and brought them deftly together. They saw in both a potential to reassert Moroccan sovereignty. They made the one ventriloquize the other. Both spoke in near unison about Morocco's unique claim to land on the northwest corner of Africa. But the worsening situation in the Sahara—the sense that the international community had abandoned Morocco's claim—and the Gulf War challenged the idea that modern configurations of power and land could be synchronized with monarchist Muslim political theology. As with every other historical turn contemplated in this dissertation—colonization, decolonization, and the occupation of the Sahara—it was not an inherent element in Muslim or liberal constitutional political philosophies that provided for particular negotiations between them. Rather, it was the changing conditions of territoriality itself that led to disruptions in the textual edifice that the Moroccan theorists had constructed and reconstructed throughout the twentieth century.

The puncturing of sovereignty caused diverse reactions amongst Moroccan religious thinkers. The Minister of Islamic Affairs, Madaghri, doubled down on a Muslim political theology which upheld the awesome, quasi-divine might of the

⁸ See: Cemil Aydin, "Beyond Civilization," in *Debates on Civilization in the Muslim World: Critical Perspectives on Islam and Modernity*, ed. Lufi Sunar (New Delhi: Oxford University Press, 2016).

monarch, who would not succumb to the penetration of the national territory. The feminist, Mernissi, had a variety of responses. One was to critique this depiction of Muslim kingship. She wrote that the caliph should, in fact, be the embodiment of weakness and reflective of humanity's powerlessness as compared with the Divine.⁹ This was a direct repudiation of scholars like Madaghri who appropriated the language of divine strength and power to theorize temporal rule. Another of Mernissi's strategies was, as we saw, to exhume other possibilities from Islam's past. More than other theorists covered in this dissertation, Mernissi was aware that changes in the political necessitated a reevaluation of sources. The Gulf War, for her, described the impossibility of the banishment of difference from the unified edifice of the Muslim community.

Mernissi's feminist criticism of the gendered-male body of the king unfolded a critique of the patriarchal politics more generally. By bringing women back into the political, she demonstrated how sovereignty was always illusory and the dream of impenetrability always false. This was not necessarily to be championed. The loss of security would bring danger as well as possibility. The Gulf War had exposed what was already present. Mernissi positioned the figure of woman as the figure of an Arab state under attack. She asked, "How, and through what precise management of fears, will the military map be superimposed on the map of desire?" By this she meant that the concordance she had posited between the limits of sex and geographical borders would continue to run in parallel. The New World Order had disrupted both. Her hope was for the possibility of a new geography and theology to accompany it.

In *Islam and Democracy*, Mernissi reminds us of the premodern Muslim advances in astronomy. "Awareness of the stars and their light pervades the Koran,

⁹ Mernissi, *Islam and Democracy*, 25.

which reflects the brightness of the heavenly bodies in many verses. The blossoming of mathematics and astronomy was a natural consequence of this awareness.”¹⁰ It is thus not without a certain cheekiness that Mernissi tells us the pre-Islamic god, ‘Uzza, the child-killer, was another name for Venus, a celestial body that continues to command respect in Islamicate societies.¹¹ In typically gnomic fashion, Mernissi is reminding us that the other is always present. The stranger is within. Perhaps by heeding Mernissi’s historically-rooted Muslim call to look up, to appreciate the astral, we will understand that the Earth is one celestial body among countless others. This does not necessitate the appreciation of the Earth as a homogenous plane of likeness, a common space. Rather, the Earth is the producer of difference. Appreciation of this difference is still our only way home.

¹⁰ Mernissi, *Islam and Democracy*, 133.

¹¹ *Ibid.*, 122-4.

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Biography

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