

The Faqih, *Sheikh* Jad-el-Haq Ali Jad-el-Haq

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Biographical Background¹

Sheikh Jad-el-Haq Ali Jad-el-Haq was born in the village of "Batrah," Diqahliyya district, Egypt, on Thursday, May 4, 1917 (A. D.), or, 13/6/ 1335 (H). He memorized the holy *Quran* in the village *kuttab*, a kind of semi elementary school. He attended al-Azhari Cairo Institute where he finished high school in 1939. In 1945 *Sheikh* Jad-el-Haq Ali Jad-el-Haq was one of five people to graduate from the college of *Shareiah*, which granted him the certificate of *aalemiyya* (knowledge holder) and a license in religious jurisdiction. He was honored by the state in an official ceremony headed by King Farouq of Egypt.²

Sheikh Jad-el-Haq got married in 1948 and had three children. The eldest, Ali, was born in 1949. Medhat, his second child, was born in 1951 and the youngest, Usamah, was born in 1952.³

Sheikh Jad-el-Haq was influenced by a few people. More often than not, he boasted that he benefited from the teachings of two famous scholars of al-Azhar: his reverend and former *sheikh* of al-Azhar, Abdul Majeed Saleem,⁴ and

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¹. Our deep gratitude is to Ali Jad-el-Haq Ali Jad-el-Haq, the son of the *Sheikh* and *Sheikh* Omar Bastwaisi, the manager of artistic affairs in the office of *Sheikh* Jad-el-Haq Ali Jad-el-Haq, who gave Dr. Hamzah Hamzah all the information related to the biography of the *Sheikh*, July 7, 1996.

². Abdul Rahman, *The Sheikhs of al-Azhar*, vol. 6, pp. 6-10; Abdul Hammed, "Half of the world visited him before his departure," *Half of the World*, April 1996, p. 72.

³. This part was given to Dr. Hamzah Hamzah by Ali Jad-el-Haq Ali Jad-el-Haq, the son of the *Sheikh* in an interview at his office, Cairo, July 22, 2003.

⁴. Abdul Majeed Saleem was born in 1882 in the village of Met Shahalat in the Manufiyya district, Egypt. He studied at al-Azhar and got the certificate of *aalemiyya* (knowledge holder) in 1908. He occupied the office of higher studies

Sheikh Hasan Ein Mahler,¹ the former Mufti of Egypt.²

On August 1978 he was appointed the major Mufti of Egypt.³

During his office as the major mufti he was keen to answer readers' inquiries in a column called, "You ask and the Mufti answers" in *Manbar al-Islam*;⁴ he believed that *fatawa* (religious verdicts) played a crucial role in changing society. Furthermore, he collected all religious verdicts released by

supervisor in al-Azhar, headed the committee of fatwa and contributed to the reform of al-Azhar. He was appointed general mufti of Egypt from 1928 until 1945. In 1950 he was appointed Sheikh of al-Azhar and was released from his office in the same year. Then he occupied the position for the second time in 1952 and resigned in the same year. He died in 1954. See Al-Azhar Ash-Shareef, *Al-Azhar Ash-Shareef on its Millennium Anniversary*, p. 257; At-Tumi, *The Brighter Light in the Classes of Sheikhs of al-Azhar*, p.83. Skovgaard-Petersen, *Defining Islam for the Egyptian State*, pp., 159-171.

- ¹. He was born in Bab al-Futoh in Cairo 1890. He joined al-Azhar when he was eleven years old; he got the certificate of *aalemiyya* (knowledge holder) in 1914. He was appointed judge in 1916. In 1941 he became the head of the Alexandria Shareiah Court. In 1950 he was appointed as the Mufti of Egypt and died in 1990, At-Tumi, *the Brighter Light in the Classes of Sheikhs of al-Azhar*, p. 33; Skovgaard-Petersen, *Defining Islam for the Egyptian State*, pp., 170-181.
- ². Bashasha, "The Major Imam, the Sheikh of al-Azhar in God's Custody," *Fajr al-Islam*, March/April 1996, p. 22.
- ³. See The Biography of Sheikh Jad-el-Haq: Al-Azhar Ash-Shareef, *Al-Azhar Ash-Shareef on its Millennium Anniversary*, p. 263; Al-Kahateeb, *The Sheikh of Azhar in Senegal*, p. 58; Hamam, "And Sheikh Jad-el-Haq Ali Jad-el-Haq Passed Away," Al-Majallah al-Arabiyya, May 1996, p. 12; Abdul Hammed, "Half of the world visited him before his departure," *Half of the World*, April 1996, p. 72; Bashasha, "The Major Imam, the Sheikh of al-Azhar in God's Custody," *Fajr al-Islam*, March/April 1996, p. 24; Bader, "The Nation (Ummah) Bid Sheikh Jad-el-Haq Ali Jad-el-Haq," *Al-Mujtamaa* (The Society), 26/3/1996, p. 12; As-Saloos, "Then Left He Who Maintained the Honor of Jurisdiction, *Iftaa* and Leadership (*Mashiakha*) of al-Azhar," *Ash-Shaab* (The People) May 3, 1996, p. 12.
- ⁴. Eccel, *Egypt, Islam and social Change*, pp. 503.

Dar-el-iftaa since 1895, the year this post was occupied by the Faqih Hasan-an-Nawawi,¹ in twenty volumes called *Islamic Fatawa*. The ninth and tenth volumes were devoted to *Sheikh Jad-el-Haq's* religious verdicts (*fatawa*).²

On the eighth of August 1980 a republican decision (432) was issued to appoint *Sheikh Jad-el-Haq* as a member of the Islamic research Academy of al-Azhar ash-Shareef. On the fourth of January 1982 the *Sheikh* became the Minister of Unalienable Property (Awqaf / waqf) and the head of the Higher Council for Islamic Affairs through which he dealt with new Islamic issues, especially those related to fresh religious questions.³ He, however, remained in office for less than three months.⁴

¹. The Sheikh Hasan an-Nawawi was born in Nuway, al-Minya in 1838. He studied at al-Azhar and was considered the first to officially occupy the post of the *Mufti* of Egypt in 1895. He became Sheikh of al-Azhar in 1896 and died in 1924. See al-Azhar ash-Shareef, *al-Azhar ash-Shareef on its Millennium Anniversary*, p. 250; as-Saeedi, *the History of Reform in al-Azhar*, p. 83; and Skovgaard-Petersen, *Defining Islam for the Egyptian State*, pp. 111-119.

². The Chief editor of Manbar-el-Islam Magazine, "In the Company of The Late Imam, May God Forgive Him" *Manbar al-Islam*, 12, year 54, April/May 1996, pp. 76-77. Abdul Hameed, "Half of the world visited him before his departure," *Half of the World*, April 1996, p. 72. The Administration of Students' Affairs in the Area of Almansura al-Azhariyyah, *In the Company of the Major Imam, Sheikh Jad-el-Haq on the Day of his Glory*, p. 17.

³. Abdul Rahman, *the Sheikhs of al-Azhar*, Vol. VI, p. 13. Bashasha "The Sheikh Jad-el-Haq, The Sheikh of al-Azhar: An unforgettable Imam," *Fajr al-Islam*, March/April 1996, p. 24. Al-Azhar ash-Shareef, *al-Azhar ash-Shareef on its Millennium Anniversary*, p. 263. The Administration of Students' Affairs in the Area of Almansura al-Azhariyyah, *In the Company of the Major Imam, Sheikh Jad-el-Haq on the Day of his Glory*, p. 11. Ad-Daqhaliyya District, *His reverend Dignity, The Major Imam, Sheikh Jad-el-Haq Ali Jad-el-Haq, Sheikh of al-Azhar*, p. 43; al-Khateeb, *Sheikh of al-Azhar in Seneigal*, p. 58.

⁴. Abdul Rahman, *the Sheikhs of al-Azhar*, Vol. VI, p. 14.

On March 17, 1982 a new republican decision (129) was released, appointing *Sheikh* Jad-el-Haq to the position of *Sheikh* al-Azhar.¹ *Sheikh* Jad-el-Haq was the only the only person to occupy the three major religious positions in Egypt: Head of Dar el-Iftaa, the minister of Awqaf and *Sheikh* al-Azhar.² Still, these important offices didn't distract his attention from his project of collecting the religious verdicts.³

The *Sheikh* also occupied the position of Head of Islamic Council for Preaching and Aid since 1988.⁴

His Works⁵

As already mentioned, *Sheikh* Jad-el-Haq showed deep interest in answering questions asked by Moslems throughout the world. These answers were

¹. The post of *Sheikh* al-Azhar is the highest in the Islamic Sunni world; see, Zebiri, *Maḥmūd Shaltūt and Islamic Modernism*, pp. 1, 4.

². See the lives of the sheikhs of al-Azhar: Al-Azhar ash-Shareef, *al-Azhar ash-Shareef on its Millennium Anniversary*, pp. 237-264.

³. The Chief editor of Manbar-el-Islam Magazine, "In the Company of The Late Imam, May God Forgive Him" *Manbar al-Islam*, 12, year 54, April/May 1996, pp. 76-77.

⁴. This council includes representatives from countries, associations and organizations the world over. It deals with cases related to the Islamic nations in the fields of economics, politics, religion and society and tries to find compromise between conflicting parties and help the needy. See Abdul Majeed and Abdul Minem Fudah, "News and Opinions," *al-Azhar*, September 1991, Vol. III, year 64, p. 357. Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam," *al-Azhar*, July 1994, Vol. II, year 67, p. 250-251. Al-Qardawi, "In Bidding *Sheikh* Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39. Abdul Majeed, "News and Opinions," *al-Azhar*, September 1991, Vol. XII, year 62, pp. 1277-1278.

⁵. Al-Hufi, "Personal Features: *Sheikh* Jad-el-Haq a Bright Page of Knowledge and Giving," *Ash-Shaab*, 16/8/1996, p. 7. The Administration of Students' Affairs in the Area of Almansura al-Azhariyyah, *In the Company of the Major Imam, Sheikh Jad-el-Haq on the Day of his Glory*, p. 13. Abdul Rahman, *the Sheikhs of al-Azhar*, vol. VI, p. 58.

published in special books like volumes nine and ten of *Islamic Fatwa* in addition to five other volumes titled *Islamic Research and Fatwa on Contemporary Issues*; other *fatawa* appeared in his column "You ask and the Mufti answers," in *Manbar el-Islam*, in *al-Azhar* and in Egyptian daily newspapers.¹

His major works are:²

1. *On the Agreement of Jurisdiction on the Different Types of Discrimination against Women.*
2. *The Mosque.*
3. *Of the Quran's Rulings and Sciences.*
4. *Refuting the Absent Faridah.*
5. *The Islamic Fiqh: Its Leniency and Development.*
6. *The Islamic Shareeah.*
7. *The Prophet in the Quran.*
8. *With the Quran.*
9. *Some Selected Fatawa and Research.*
10. *Invite (all) to the Way of thy Lord': Morals from the Methods of Preaching.*
11. *The Legislation of Islamic Shareeah on Medical Questions Related to Women's Diseases.*³
12. *Islamic Research and Fatawa on Contemporary Cases* (five volumes).⁴

¹. *Manbar al-Islam* is published by the Higher Council for Islamic Affairs while al-Azhar Magazine is published by al-Azhar; Eccel, *Egypt, Islam and social Change*, p. 503.

². It should be pointed out that only books which were not published are asserted here.

³. This book has been sold out. The Sheikh's son keeps one copy.

⁴. In an interview with Sheikh Omar al-Bastwaisi, the manager of artistic affairs at the Sheikh's office, held on 22/7/2003, he told Dr. Hamzah Hamzah that the collection included a sixth volume which was lost after it was sent to print in al-Azhar. See

In addition to the list above, we managed to get two drafts of two unprinted books.¹ These are:

1. *Moral Codes* (225 pages, 30 cm length by 20 cm width); it lists about fifty six Islamic modes of moral behavior.
2. The second book is on *The Quran and What it Contains about the Prophet, Prayers and Peace be upon Him*; this book talks about the Quran from the perspective of its goals, recitation, the moral conduct it promotes, man and his value, its organization of society and treatment of its various affairs, its virtues, worshipping God through it and the tolerance of Islam as reflected in it. This draft, which contains twenty five items, perhaps meant to be its chapters, is 149 pages long. Each page is 30 cm long and 20 cm width.

In addition, the workshops, seminars, sayings and activities of *Sheikh* Jad-el-Haq were published in special issues of *al-Azhar*. The most important of the aforementioned works are: "Al-Azhar in the Islamic *Fiqh* Workshop in Oman;" "The Major Imām with the Moslems of the far East;" "The Hasaniyya Lessons;" "*Sheikh* al-Azhar in Senegal;" "The Major Imām in Indonesia" and "Of the Fatawa of Reverend *Sheikh* Jad-el-Haq, the Major Imām."

His Activities and Attitudes

The *Sheikh's* attitudes and activities were reflected in many fields including the religious, the political and the economic. His activities transcended the Egyptian sphere to include the whole world. For the sake of brevity, only the major attitudes and activities will be reported here.

On the religious level he believed that the implementation of religious legislation (Shareiah) in Egyptian daily life instead of secular legislations

Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq, " *al-Midan*, 25/1/2000, p. 7.

¹. Dr. Hamzah Hamzah got one copy of each book from Ali, the Sheikh's son, in an interview on 22/7/2003.

should be obligatory; the success of Moslems lie here.¹ He established institutes affiliated with al-Azhar in different parts of Egypt as well as in Islamic countries such as Kenya and South Africa² making the proper memorization of the Quran a basic requirement for all students.³ He also saw to it that committees of *fatawa* be formed in every Egyptian district.⁴

He sent preachers, religious guides and scientists majoring in different disciplines from al-Azhar to the countries of the Islamic world.⁵ He established

¹. Bashasha, "The Major Imam, the Sheikh of al-Azhar in God's Custody," *Fajr al-Islam*, March/April 1996, p. 22. Mohammad, "Jad-el-Haq Firm Attitudes in Defense of Islam," *ash-Shaab*, 19/3/1996, p. 6. Jad-el-Haq, "The Implementation of Islamic Shareeah...", *al-Akhbar*, 14/7/1985, p. 4; Abdul Minem, "The Major Imam in Alexandria: The Islamic Shareeah is the Source of most of the Egyptian Laws," *al-Akhbar*, 14/3/1993, p. 9.

². As-Sauod, "The loss of Islam and al-Azhar: The Permanent truth Seeker," *al-Akhbar*, 19/3/1996, p. 4. Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *al-Mujtamaa*, issue 1193, 26/3/1996, p. 39.

³. See the achievements of Jad-el-Haq: ash-Shakaah, "Farewell Sheikh of Islam, Imam Jad-el-Haq Ali Jad-el-Haq!" *al-Azhar*, Vol, XI, year, 68, March/April. 1996, pp. 1656-1659; Mohammad, "Jad-el-Haq Firm Attitudes in Defense of Islam," *ash-Shaab*, 19/3/1996, p. 6. Al-Janzouri, "Conversation," *al-Yamamah*, 4 Du-al-Qidah, 1416 (H), issue 1398, p. 12; Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, January 1994, Vol. 7, year 66, p 1109.

⁴. Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, August 1995, Vol. 3, year 68, p. 419. Jad-el-Haq, *Islamic Research and Fatawa on Contemporary Cases*, Vol II, pp. 8-9.

⁵. Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, March/April 1991, Vol. IX, year 63, p. 1077. Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, August 1995, Vol. 3, year 68, p. 306. Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, January/February 1996, Vol VII, year 68, p.1401. Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, March 1993, Vol. IX, year 65, p. 1469.

Islamic centers inside and outside Egypt. The Islamic Cape Town Center in South Africa in 1995 and The Islamic Mohammad Ali Clay's Foundation in America are two important examples of such centers.¹

On the internal level *Sheikh* Jad-el-Haq formed a high committee for Islamic preaching and headed it. This committee dealt with all affairs related to preaching and guidance inside Egypt.² He set up courses that accepted students from all over the world to train Imāms, preachers and evangelists.³

Jad-el-Haq was a member of various local and universal committees and associations. For instance, he was a member in the ruling committee that awarded King Faisal's universal prize for serving Islam;⁴ he was also a member in the Islamic Academy of al-Azhar in Egypt and a member in the administration council of Islamic Islamabad University in Pakistan.⁵

¹. Khafajah, "Al-Azhar in South Africa," *al-Azhar*, August 1995, Vol III, year 68, pp.309-312; Abdul Majeed and Abdul Minem Fudah, "The News of the Major Imam's Office," *al-Azhar*, November 1991, Vol. V, year 64, p. 580. Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, February/March 1996, Vol. X, year 68, pp. 1566-1567.

². Abdul Majeed and Abdul Minem Fudah, "The News of the Major Imam's Office," *al-Azhar*, November 1991, Vol. V, year 64, p. 580. Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, February/March 1996, Vol. X, year 68, pp. 1566-1567.

³. Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, July 1995, Vol. II, year 68, p. 261.

⁴. This is an annual award which is granted to the most prominent figure helping to serve Islam in the whole world. The Saudi Royal family is the custodian of it. Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, April/May, 1991, Vol X, year 63, p. 1168.

⁵. Al-Khateeb, *the Sheikh of Azhar in Senegal*, p. 59.

Sheikh Jad-el-Haq took part in numerous conferences and meetings, as a function of his office.¹

Thanks to the *Sheikh's* hard work, strong presence, character and commitment, al-Azhar witnessed a revival during his time in office. In fact, he managed to return al-Azhar to its former prestige and value.² *Sheikh* Jad-el-Haq established Islamic Dar as-Safaa, the first printing house for the holy Quran in Ghardaqa.³

He took answering dubious attacks and accusations against Islam seriously and closely followed all news about Islam via the Academy of research affiliated with al-Azhar.⁴

He was interested in Moslems' holy places around the world and showed special interest in the holy places in Jerusalem, Beit al-Maqdes.⁵

The *Sheikh* launched a fierce war against fundamentalism, reflected in his releasing reports, writing his books on fundamentalism and issuing many *fatawa* in this respect, affirming tolerance as preached by Islam. He ascribed

¹. The number of conferences attended by the Sheikh is numerous. See Al-Khateeb, *The Sheikh of Azhar in Senegal*, pp. 60-65.

². Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *al-Mujtamaa*, issue 1193, 26/3/1996, p. 39. Al-Hufi, "Personal Features: The Sheikh Jad-el-Haq a Bright Page of Knowledge and Giving," *Ash-Shaab*, 16/8/1996, p. 7. Al-Janzouri, "Conversation," *al-Yamamah*, 4 Du-al-Qidah, 1416 (H), issue 1398, p. 12. Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p. 7.

³. Abdul Majeed, "The News of the Major Imam's Office," *al-Azhar*, March, 1993, vol IX, year 65, p. 1470.

⁴. Al-Janzouri, "Conversation," *al-Yamamah*, 4 Du-al-Qidah, 1416 (H), issue 1398, p. 12.

⁵. Marzuk, "The Man of Great Attitudes," *Manbar al-Islam*, March/April 1996, 11, year 54, p. 3. Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p. 7.

the phenomenon of fundamentalism to deep misunderstanding of Islam and social delinquency. He requested that Moslem scholars counter negative intellectual invasion to protect Moslem youth. Furthermore, upon his request, al-Azhar held workshops, meetings and conferences discussing this worrying phenomenon in order to locate its causes, uproot them and help place Muslim youth on the right track to proper understanding of Islam.¹ He advised conductors and supervisors of these various activities to embrace the mediocrity that Islam strives to highlight.²

On the other hand, *Sheikh* Jad-el-Haq seized every opportunity to fight people who were opposed to religion and the implementation of its rules; his fights, which were mainly against leftists, secularists and artists,³ demonstrated that religion organized the lives of Moslems and that it is wrong to try to separate religion from state.⁴

Under the influence of *Sheikh* Jad-el-Haq al-Azhar played an essential role in the dialogue between religions. He conducted numerous meetings and conversations with intellectuals, philosophers and clergy men from the West,⁵

¹. Mahdi, "The New Sheikh of al-Azhar Defines the features of his Ideas and Paints the Steps of his Future Work," *al-Ahraam*, 26/3/1982, p. 5; As-Saeed, "A Press Talk," *al-Musawwer*, 26/3/1982, pp. 18-19; Abdul Minem, "The Major Imam in Alexandria: The Islamic Shareeah is the Source of most of the Egyptian Laws," *al-Akhbar*, 14/3/1993, p. 9 and Al-Janzouri, "Conversation," *al-Yamamah*, 4 Du-al-Qidah, 1416 (H), issue 1398, p. 13.

². Farhood, *Al-Azhar*, April/May 1996, Vol. XII, year 68, p. 1764.

³. Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p. 7.

⁴. Al-Bastwaisi and Moustafa Abdul Majeed, "The News of the Major Imam," *al-Azhar*, April 1993, Vol. X, year 65, p. 1632.

⁵. Al-Anwar, "The Meeting of his Dignity, Sheikh of al-Azhar with The American Delegation of Priests," *al-Azhar*, January 1990, Vol. VI, year 62, p. 535; the Union of Journalists, "Sheikh Jad-el-Haq no 42 to Occupy the Post of al-Azhar," *al-Wafd*, 16 March, 1996, p. 3. Mohammad, "Jad-el-Haq Firm Attitudes in Defense of Islam,"

constantly emphasizing the importance of co-existence and cooperation between Moslems and the West in all fields.¹

The *Sheikh* exerted every effort to call upon Moslems to strengthen Islamic solidarity, to unite and to avoid all forms of violence, conflicts and wars between Moslems.² He believed that there is only one Islam and the difference between the various sects of Islam does not lie in the Islamic conviction but in marginal matters. Thus, in his mind, the fact that the Shiite sect of Islam is distinctly different from the Sunni sect of Islam in few matters does not negate the truth that both belong to one *Ummah*. It was his opinion that these minor squabbles should not bring about disunity and disagreement among the one nation and urged the *ulamaa* (scholars) to bridge the gaps between the different sects.³

ash-Shaab, 19/3/1996, p. 6. As-Saeed, "Sheikh Jad-el-Haq: He Left Pioneer Positions and Immortal Attitudes," *al-Wafd*, 16 March, 1996, p. 3.

¹. Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq," *al-Midan*, 25/1/200, p. 7.

². See Obituaries in *al-Azhar*, April/may 1996, Vol XII, year 68, pp. 1754-1773; *al-Azhar*, April/may 1996, Vol XI, year 68, pp. 1580-1593. As-Saeed, "Sheikh Jad-el-Haq: He Left Pioneer Positions and Immortal Attitudes," *al-Wafd*, 16 March, 1996, p. 3.

³. As-Saeed, "A Conversation about Numerous Contemporary Issues with Sheikh Jad-el-Haq," *al-Wafd*, August, 1984, Vol. XI, year, 65, pp. 1828-1829. Ghareeb, "Sheikh Jad-el-Haq and Selected Extracts of his Attitudes" *al-Akhbar*, 27/3/ 1998, p. 5.

His Death and Obituaries

The *Sheikh* continued to perform his job as *Sheikh* of al-Azhar until the eve of his death. On this night he read the mail sent to him at his house in Manial, Cairo. It should be demonstrated that during the period of his sickness he practiced his job at home. He had undergone a surgery five months before his death to remove a tumor from his brain. The surgery was a success and he resumed his work regularly from his office following a holiday.¹

The *Sheikh* died at two before dawn, Friday, March 15, 1996. He was seventy nine.² The *Sheikh* made a request during his last visit to his home village, Batrah in Daqhaliyya, that he be buried next to the mosque he had built with his own funding two years before. He wanted *Sheikh* Mitwalli Shaarawi to witness his bath and to lead the prayer in funeral. If Shaarawi failed to make arrive, he told his relatives and friends, then *Sheikh* Ismaeel Sadeq al-Adawi, the Imām and orator of al-Azhar would have to lead. His request was fulfilled in full.³

The office of *sheikh* al-Azhar received telegrams of condolences from kings, presidents, prime ministers, ministers, official and non-official

¹. Anonymous, "Sheikh al-Azhar in the Custody of Allah," *al-Akhbar*, March 15, 1996, p. 1.

². Bashasha "The Sheikh Jad-el-Haq, The Sheikh of al-Azhar: An unforgettable Imam," *Fajr al-Islam*, March/April 1996, p. 22. Yosuf, "Sheikh of al-Azhar," *al-Azhar*, Vol., XII, year 68, April and May 1996, p. 1754 and 1827; ash-Shakaah, "Some achievements of Jad-el-Haq," *al-Akhbar*, 22/3/1996, p. 5.

³. Anonymous, "Mubarak Declares the Death of Sheikh al-Azhar to the Islamic Ummah," *al-Jumhuriyyah*, March 16, 1996, pp. 1, 3, 5. Ash-Shaarawi, "The Outstanding Scholar, Mohammad Mitwalli Shaarawi Declares the Death of Major Imams," *Fajr al-Islam*, April, 1996, p. 20. Abdul Hameed, "Half of the World Visited him before his Departure," *Half of the World*, April 1996, pp. 70-72. Bader, "The Nation Bid Sheikh Jad-el-Haq Ali Jad-el-Haq," *al-Mujtamaa*, 26/3/1996, p. 12; Anonymous, "The Funeral of Sheikh al-Azhar," *al-Luwaa al-Islami*, 21 March 1996, p. 1.

institutions and various associations; poets wrote poems lamenting Sheikh Jad-el-Haq, the *sheikh* of al-Azhar.¹

Prestige, Honors and Decorations

Sheikh Jad-el-Haq was known to have properly understood Islam; he rejected all forms of irregular practices committed in the name of religion. These practices included killing people of the holy books, i. e. Christians and Jews, stealing from the rich, attacking the ruling classes and subjecting religions to personal agendas and desires. Modesty was his motto; he never looked down on his inferiors. Rather, every scholar was entitled to be the Sheikh's master. He often consulted friends and colleagues in the process of his search for knowledge.

His friends and acquaintances agreed that the *Sheikh* was pious, tolerant, faithful and well-mannered; he led the life of a hermit and devoted his whole life to service of Islam and the nation. He took the office of ruling and in it was just, and the office of *iftaa*, where he never deviated from righteousness.²

¹. See the Statement of Mubarak declaring the Sheikh's death: Anonymous, "President Mubarak: The Sheikh of al-Azhar was a highly dignified scholar, he bore the trust and performed the message," *al-Akhbar*, 16/3/1996, pp. 1, 10; Marzuk, "The Man of Great Attitudes," *Manbar al-Islam*, March/April 1996, 11, year 54, pp. 12-13. See also Tantawi's declaration in al-Ajami, "The Last Decisions of the Late Imam," *al-Akhbar*, 16/3/1996, p. 4. See also the declarations of al-Janzouri, the Prime Minister, and of Mahmoud Marzuk, the Minister of Awqaf, Marzuk, "The Man of Great Attitudes," *Manbar al-Islam*, March/April 1996, 11, year 54, pp. 13-14. It must be pointed out that a long list of countries took part in the funeral including kings, presidents, prime ministers and ministers. For more details see al-Ajami, "The President of Maldives Takes Part in the Burial Ceremony of the Late Sheikh of al-Azhar," *al-Akhbar*, 16/3/1996, p. 8.

². See a detailed list of these trends in al-Ansari, "Our Sheikh and Imam! We lost after your departure your courage in supporting righteousness and your great piety," *al-Jumhoriyyah*, March 17, 1996, pp. 1, 3. Al-Hulwani, "With complete frankness: The late Imam and noble attitudes," *Aqeedati*, March 19, 1996, pp. 1, 6. Al-Balak,

Still, others drew a different image of him and they seized every opportunity to besmirch and attack him; some accused him of being the loudspeaker of the government and some even sent him letters threatening his life. He, however, received their severe attacks with silence; he rose above their offence following the instructions of Islam to turn off evil with good. He resorted to patience and foresight and distanced himself from anger and irritation.¹ He remained cool and was not daunted from pursuing his way.²

The attacks on the *Sheikh* were, in fact, conquered by the wealth of praise he received and his great achievements. He was considered by *The Independent*, a very well known English newspaper, to be one of the most outstanding Islamic figures throughout the Islamic world. Since he was characterized as the spirit guarding the Ummah, the nation, he was admired by the majority of the Egyptian people. His good reputation was one reason why the late president, Jamal Abdul Nasser, appointed the *Sheikh* to the post of the Head of the Higher Islamic Council in 1960. Then Anwar Sadat, Nasser's successor, appointed the

"The Modesty of Scholars," *October*, issue 1014, 31/3/1996, p. 44. Abdul Salam, "Sheikh of al-Azhar: Memories of his last days," *al-Ahraam*, 25/3/1996, p. 10. See also Tantawi's statement on the Sheikh's death: As-Saloos, "Then He Left He Who Maintained the Honor of Jurisdiction, *Iftaa* and Leadership (*Mashiakha*) of al-Azhar," *ash-Shaab*, May 3, 1996, p. 12.

¹. Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39. Zayed, "The Imam of Preachers, ash-Shaarawi, says on the phone about the departure of the major Imam: We are pleased knowing that he will be received in Allah's hands by his science and deeds," *al-Ahraam*, 22/3/1996, p. 9. Anonymous, "The scholars of al-Azhar condemn claims against Sheikh Jad-el-Haq," *ash-Shaab*, 24/12/1993, p. 8. Al-Hufi, "Personal Features: The Sheikh Jad-el-Haq a Bright Page of Knowledge and Giving," *Ash-Shaab*, 16/8/1996, p. 7.

². Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq (7)" *al-Midan*, 25/1/200, p. 7.

Sheikh to the post of the General Mufti of Egypt in 1978 and Husni Mubarak, Sadat's successor, appointed him the *Sheikh* of al-Azhar in 1982.¹

Owing to his fine characteristics, the Major Imām was received in Islamic countries like a king and was often referred to as a president.² In 1986 the Pakistani president, Diya al-Haq, received the *Sheikh* at the airport. When asked why he gave his guest such a warm welcome, the president answered that there were many presidents and kings in this world but there was only one Imām for Moslems and that was *Sheikh* Jad-el-Haq.³

The good treatment he received was epitomized in the big number of medals, stamps, decorations and badges of honor granted to him. He was endowed the Scarf of the Nile from President Mubarak in March 1983.⁴ In June 1984 King Hassan the Second of Morocco granted him the Medal of Intellectual and Scientific Proficiency of the highest rank after the *Sheikh's* participation in the Hasaniyya lessons in Rabat.⁵ He was chosen as man of the

¹. Anonymous, "The Independent: The Sheikh Jad-el-Haq was characterized y his intense care for the Islamic World, " *al-Masaa*, 19/3/1996, p. 2.

². Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq (7)," *al-Midan*, 25/1/200, p. 7.

³. Mosabbah, "The Reception of Sheikh al-Azhar by Diya al-Haq at the airport is an act of appreciation of Cairo and al-Azhar," *October*, 30/11/1968, p. 1. Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq (7)" *al-Midan*, 25/1/200, p. 7.

⁴. Abdul Hameed, "Half of the world visited him after his departure," *Half of the World*, April 1996, p. 72. The Union of Journalists, "Sheikh Jad-el-Haq no 42 to Occupy the Post of al-Azhar," *al-Wafd*, 16 March, 1996, p. 3. Anonymous, "Sheikh Jad-el-Haq Ali Jad-el-Haq, Sheikh of Jamie al-Azhar," *al-Wafd*, 20/9/1992, p. 6. Abdul Rahman, *the Sheikhs of al-Azhar*, Vol. VI, p. 17.

⁵. Abdul Hameed, "Half of the world visited him after his departure," *Half of the World*, April 1996, p. 72. The Union of Journalists, "Sheikh Jad-el-Haq no 42 to Occupy the Post of al-Azhar," *al-Wafd*, 16 March, 1996, p. 3. Abdul Rahman, *the Sheikhs of al-Azhar*, Vol. VI, p. 17.

year in the district of Daqhaliyya for the year 1994.¹ In 1995 he got King Faiysal's Prize for the Service of Islam from Saudi Arabia² and Abdo Doyoof, the president of Senegal decorated the *Sheikh* with a medal of the class of lion, which is usually granted to extremely highly ranked figures, showing that he considered the *Sheikh* the highest Islamic symbol in the world.³

The *Sheikh's* Attitude towards the Ruling System

Although the *Sheikh* was considered part of the ruling system, he was distinguished from the rest by his attitudes, which opposed the line of thinking and the style of government embraced by the state. The *Sheikh* insisted on the independence of his post and attitudes derived from the spirit of Islam and vehemently refused to be subject to the dictations of the ruling class.⁴ His attitudes were supported by many well known Islamic figures and non-affiliated scholars and scientists. Yosuf al-Qardawi, a very prominent and influential figure (perhaps the most influential figure in the Islamic world today) said that the *Sheikh* knew how to maintain the dignity of his office and that the *Sheikh*, unlike others, was never "on slippery ground" when dealing with fatawa, as he did not necessarily seek to satisfy the public.⁵ Similarly,

¹. Abdul Majeed, "News and Opinions," *al-Azhar*, March 1994, Vol. X, year 66, p. 1586.

². Hamam, "And Sheikh Jad-el-Haq Ali Jad-el-Haq Passed Away," *al-Majallah al-Arabiyya*, May 1996, p. 13. Anonymous, "Sheikh al-Azhar wins King Faisal's award for the service of Islam," *al-Ahraam*, 15/2/1995, p.1. Anonymous, "Sheikh al-Azhar wins King Faisal's award for the service of Islam," *al-Akhbar*, 26/3/1995, p. 1.

³. Anonymous, "The Highest Senegalese Medal to the Sheikh of al-Azhar," *al-Akhbar*, 9/4/1995, p. 1. Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq (7)" *al-Midan*, 25/1/200, p. 7.

⁴. Moustafa, "Conflict and Cooperation between the State and Religious Institution in Contemporary Egypt", *International Journal of Middle East Studies*, p. 3.

⁵. Hamam, "And Sheikh Jad-el-Haq Ali Jad-el-Haq passed away, the rock which disturbed the beds of the surprised" *Al-Majallah al-Arabiyya*, May 1996, p. 13; Al-

Sheikh Jamal Qutub affirmed that al-Azhar under Jad-el-Haq's post was not involved in any question that confused the nation and praised Jad-el-Haq's opposition to the shape of a modern country not based on the instructions of Islam.¹ He was also praised by *Sheikh* Mohammad Mitwalli Shaarawi,² who asserted that the *Sheikh* exerted great efforts to stop conspiracies against Islam and its followers.³ Strangely, he even received words of praise from President Mubarak, who described the *Sheikh* as the faqih of Egypt who did not give up a single one of God's rights.⁴

The *Sheikh* did not ask any privileges for himself and remained distant from the publicity associated with the authority. He lived in a modest house in a multi-story building and led a simple life. Throughout his post, he never took advantage of his office to attain personal goals; he never accepted any sort of temptations, which helped him resist impositions and pressure.⁵ Still, he was

Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39.

- ¹. See the opinions of Sheikh Jamal Qutub and others in Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p.7.
- ². Sheikh Shaarawi was born in the village of Daqadus in Egypt (15/4/1910-17/7/1998). He occupied several official posts among which was the minister of Awqaf in 1978. See Khafaji, *Al-Azhar tells its story of one thousand year*, 137-140.
- ³. Al-Hulwani, "Jad-el-Haq and his history pregnant of giving and achievements," *Manbar-ul-Islam*, March/April, 1996, year 54, issue 11, p. 23.
- ⁴. Marzuk, "The Man of Great Attitudes," *Manbar al-Islam*, March/April 1996, 11, year 54, p. 3. Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq, " *al-Midan*, 25/1/2000, p. 7.
- ⁵. Anonymous, "Farewell, Sheikh of al-Azhar!" *Sabah-el-Khair*, 21/3/1996, issue 2098, pp. 6, 59. Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq, " *al-Midan*, 25/1/2000, p. 7. Anonymous, *Al-Arabi*, Monday 18/3/1996, p. 11.

careful not to offend his opponents¹ and not to release *fatawa* which were meant to serve the agenda of the political system.² On the contrary, he maintained firm attitudes against the ruling authority preferring the rules of *Shareeah* even if that provoked resentment from the ruler. For example, he was opposed to a bill called "Jehan's Bill for Personal Affairs" in the 1970s, when he occupied the office of the *Mufti* of Egypt. The bill was eventually passed after it had been purged of all points which, according to the *Sheikh*, contradicted the laws of Islam. The *Sheikh's* position angered President Sadat and his wife, Jehan, the custodians of the bill: so much so that the President instructed the Minister of communication not to include the *Sheikh* in the list of guests to a celebration held for journalists, reporters and media people. Sadat is quoted to have said to the minister, "I don't want the man to attend; he argues a lot."³

He was deeply engaged in matters that influenced the life of the people in the region. He condemned the American presence in the Middle East and rejected what he called the American occupation of Iraq.⁴ Although he supported the peace accords between Egypt and Israel, he was against establishing naturalizing the ties with that country. He refused to receive the prime *hacham*, chief rabbi of Israel; he also rejected the agreement reached in the summit of Sharam ash-Sheikh attended by the leaders of Egypt, Israel and

¹. Anonymous, *Al-Arabi*, Monday 18/3/1996, p. 11.

². Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p. 7.

³. Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq (5)," *al-Midan*, 15/2/2000, p. 7.

⁴. See the difference among Muftis concerning this issue in al-Mallah, *Al-Fatwa: its Growth and Development, Rules and Application*, p. 760; Al-Wardani, *Scholars of Oil*, pp. -125-128; Haddad, "Operation Desert Strom and the War of Fatwas", *Islamic Legal Interpretation*, pp. 297-308.

Palestine because he believed the summit was not in line with the interest of the Palestinian people.¹

The *Sheikh* did not accept the recommendations of the Population Conference held in Egypt under the supervision of the Egyptian government in April, 1994. He again criticized the same conference's recommendations reached in Peking in 1995.² He took similar daring positions on other sensitive matters. He asserted the illegitimacy of profits (*reba*), though the state believed otherwise.³ He fought the secular people and pointed out their danger to the educational system in spite of the support such people received from the state.⁴

¹. Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p.7; Al-Hulwani, "Jad-el-Haq and his history pregnant of giving and achievements," *Manbar-ul-Islam*, March/April, 1996, year 54, issue 11, p. 23; Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39; Tarabeeh, "The Memoirs of The Pious Sheikh, The Major Imam Jad-el-Haq Ali Jad-el-Haq (5), " *al-Midan*, 15/2/2000, p. 7.

². Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p.7; Marzuk, "The Man of Great Attitudes," *Manbar al-Islam*, March/April 1996, 11, year 54, p. 3; Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39; Hamam, "And Sheikh Jad-el-Haq Ali Jad-el-Haq passed away, the rock which disturbed the beds of the surprised" *Al-Majallah al-Arabiyya*, May 1996, p. 12; Moustafa, "Conflict and Cooperation Between the State and Religious Institution in Contemporary Egypt", *International Journal of Middle East Studies*, p. 13.

³. Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39; Hamam, "And Sheikh Jad-el-Haq Ali Jad-el-Haq passed away, the rock which disturbed the beds of the surprised" *Al-Majallah al-Arabiyya*, May 1996, p. 12.

⁴. See the attitudes of Sheikh Jad-el-Haq in Suleiman, "Mr. dignified Imam: Say good or remain silent!" *al-Usubuo*, 14/4/2003, issue 319, year 7, p. 3; Hamam, "And Sheikh Jad-el-Haq Ali Jad-el-Haq passed away, the rock which disturbed the beds of

He strongly opposed the bill suggested by the country to ban the *hijab* at the universities¹ and supported the controversial issue of the circumcision of girls. In his opinion, circumcision of girls is a *Sunnah* that must be followed, while the state urged its citizens to stop this practice because it harmed the girls' health and violated their personal freedom.² And as of 1994 henceforth, al-Azhar was awarded the right to supervise all media releases, a progression that surprised many.³

The *Sheikh* did his utmost to demonstrate the independence of his post and to be free from all forms of influences that were not harmonious with Islam. Yet, many contemporary Moslem intellectuals, such as Fahmi al-Howaydi,⁴ maintain it is impossible to find an independent *mufti* who is immune to

the surprised" *Al-Majallah al-Arabiyya*, May 1996, p. 13; Ash-Shaiji, "Al-Manar Al-Muneef in Demonstrating the Attitudes of Honest Sheikh of Azhar," *al-Ahraam*, 4 April 1996, p.7; Al-Hulwani, "Jad-el-Haq and his history pregnant of giving and achievements," *Manbar-ul-Islam*, March/April, 1996, year 54, issue 11, p. 19.

¹. A. H. (.ح .ع), "The Major Imam, Jad-el-Haq, the courageous, pious scholar," *ash-Shaab* 22/3/1996, p. 5.

². Moustafa, "Conflict and Cooperation between the State and Religious Institution in Contemporary Egypt", *International Journal of Middle East Studies*, pp. 3, 9-10, 13.

³. It became clear afterwards that some ministers and other top officials have Islamic tendencies; see Hatinah, "Al-Azhar in Egypt, the Castle of Fundamentalism and a Challenge to Modernism," *Zmaneem*, issue 74, Spring 2001, p. 54 (in Hebrew); Moustafa, "Conflict and Cooperation between the State and Religious Institution in Contemporary Egypt", *International Journal of Middle East Studies*, pp. 14-15.

⁴. He was born in al-Jeezah, Egypt in 1936; he studied the law and worked as a journalist in a few newspapers. He was appointed an assistant editor in *al-Ahraam* and is a member in the editorial council of *Majallat-ul-Muslem al-Muaaser*. He is regarded as one of Moslem intellectuals who adopted mediocrity and called for the change of contemporary Islamic discourse; he has a few works about Islam.

external and internal factors, even if the *mufti* wishes to be so.¹ However, it is possible to neutralize the impact of the state on the religious scholars who occupy official jobs when independent councils of *fiqh* are established. These councils, he believed, should be funded by Moslems rather than the state and run by a group of scholars. More important, *iftaa* should be unanimously practiced. When these conditions are met, it is very likely that the council of *iftaa* will enjoy freedom of practice.²

¹. Skovgaard-Petersen, "Judicial Opinions in Contemporary Egypt", *Law and the Islamic world, Past and Present*, p. 130.

². Al-Mallah, *Al-Fatwa: its Growth and Development, Rules and Application*, p. 775-787; Skovgaard-Petersen, "Judicial Opinions in Contemporary Egypt", *Law and the Islamic world, Past and Present*, p. 130.

Selected Texts by Jad-el-Haq Ali Jad-el-Haq The First Text Circumcision (*Khitān*)¹

Definition:

Al-Khitān and *khitānah* is the abstract noun of *khatn* and it is the removal of the foreskin of a male or the clitoris of a female. The name *khitān* is also given to the place of the removal.

And the Arabs say, "خَتَنَ الغلامَ والجاريةَ يَخْتِنُهَا وَيَخْتِنُهَا خَتْنًا"

And they say, "غلامٌ مختونٌ وجاريةٌ مختونةٌ، وغلامٌ وجاريةٌ خَتِينٌ"

The act is also called "الخفض والإعذار"

Some give the word *khatn* to males, the word *khafḍ* خفض to females and *i' dhār* for both sexes.²

The Arabs say, "العذرة" which is *khitān*; it is the foreskin removed by the circumciser. And the Arabs also say: وعذرهما عذرا؛ وأعذرهما means خَتِنَ.

The Arabs use the words "العذار والإعذار والعذيرة" for the food offered after the circumcision.³

It must be illustrated that scholars of religion (فقهاء) tend to use words as they are strictly used in language.

As for the practice, Allah asked Moslems to follow the rules, practices and conducts created by His messengers. He asked the prophet Mohammad (Peace and Prayers be upon Him) to follow Ibrahim's way,

"ثم أوحينا إليك أن اتبع ملة إبراهيم حنيفا وما كان من المشركين"⁴

The prophet informed us that Ibraheem was circumcised when he 80 years old: "اختتن إبراهيم وهو ابن ثمانين سنة"¹ and in another *hadeeth* which was

¹. *Islamic Research and Fatawa on Contemporary Cases*. Vol 3: 45-53.

². *لسان العرب والمصباح المنير مادة (ختن)*.

³. *لسان العرب والمصباح المنير مادة (عذر)*.

⁴. Surat an-Nahl 123.

narrated by Abu Horairah (May Allah be Pleased with Him) the Prophet asserts that circumcision is one of five natural practices to be performed by Moslems;

"الفطرة خمس : أو خمس من الفطرة : الختان والاستحداد ونتف الإبط وقص الشارب وتقليم الأظفار."²

The issue was referred to by *Imām ash-Shāfi'y* in his *المجموع*,³ he believed that *fitrah* means "creation" basing his interpretation on the verse

"فطرت الله التي فطر عليها"⁴

But the term as used in the prophet's sayings was controversial. Some scholars like ash-Shirazi and al-Marudi and others thought that *fitrah* is *religion*. Then an-Nawawi said after narrating the different sayings that the interpretation of *fitrah* in light of the *sunnah* is the right thing to do. In al-Bukhari's *Saḥeeḥ*, an-Nawawy added, it is narrated that Omar testified that the Prophet (Peace and Prayers be upon Him) said,

"من السنة قص الشارب ونتف الأظفار ونتف الإبط وتقليم الأظفار."

This interpretation is interesting and believable because as scholars advocate that the best interpretation of a strange Prophet's saying is another version of the same saying especially if present in *Saḥeeḥ al-Bukhari*.

The Rulings of the Imāms of Doctrines (مذاهب) on the Question of *Khitān*

The Imāms and scholars of the different doctrines have not agreed on the question of *Khitān*. In his fascinating book, تحفة المودود,⁵ Ibn-el-Qayyem discussed the difference among scholars, indicating that ash-Shabi, Rabeeha, al-Wazaie, Yehya bno-Said al-Ansari, Malek, ash-Safie and Ahmad all said that *Khitān* is obligatory (واجب). Malek was the strictest when he said that he

¹. Bukhari, in the *Book of Bada al-Khalq*, and in *bab al-khitan* in *the Book of Istiḍān*; Moslem, in *bab The Virtues of Ibraheem* in *the Book of Virtues*.

². *The Interpretation of Sunnah* by Al-Baghawi, Vol 2, p. 109.

³. Ash-Shafiee, *المجموع* Vol 1, p. 284

⁴. Surat ar-Rum, verse 30.

⁵. The margin of *Sharh-es-Sunnah* by al-Baghawi. Vol. 2 p110 in "Bab-el-Khitan."

who is not circumcised is not allowed to lead in prayer; his testimony is not accepted. Malek was quoted by numerous scholars to have said that circumcision (*Khitān*) is *sunnah*. Eyad al-Qadi said that, according to Malek and the public of scientists, circumcision is *sunnah*. He who abandons it is found guilty. So the people of *sunnah* place *Khitān* at a point between *fard* (فرض) and good deed (نَدَب).

Likewise, al-Hasan al-Basri and Abu Haneefah believed it is *sunnah*. And in Fiqh-el-Imām by Abu Haneefah,¹ *Khitān* for men is *sunnah* and is part of *al-fitrah* while it is a good deed for women. If the people of a certain village agreed to abandon circumcision the *Imām* would fight them, because *Khitān* is one of the major practices in Islam and a prominent characteristic of it. And what is known about Malek's fiqh on the question of circumcision is that, like the fiqh of Abu Haneefah and ash-Shafie,² *Khitān* is obligatory for men and women.

And in accordance with Ahmad bin Hanbal's *fiqh*,³ *Khitān* is imperative for men and a grace for women and is in no way obligatory for them. Ahmad is quoted in another version to have said that *Khitān* is obligatory for men and it is also so in ash-Shafie's doctrine.

In conclusion, all scholars agreed that *Khitān* (ختان) is used in referring to men while *khifad* (خفاف) to women.⁴ But the scholars have differed with regard to its application. While Abu Haneefah and Malek maintained it is *sunnah* for both sexes and not as obligatory (واجب) as other *forod* such as prayer, i. e. those who ignore it are punishable, Imām ash-Shafie ruled it is an

¹. *Al-Ikhtiyar Sharh-el-Mukhtar* by al-Musalli, Vol 2, p. 121 in "the Book of Karamah."

². *Almuḥaddeḥ* by ash-Shirazi and its interpretation, *Al-Majmua* by an-Nawawi, vol. 3, p. 197.

³. Vol. 1 p. 70.

⁴. *Al-Ifsah an Maani as-Sihah* by Yehya bin Hobairah al-Hanbali, Vol. 1, p. 206.

imposition (fard) on men and women alike. As for *Imām* Ahmad, he ruled it is obligatory (واجب) for men, while for women he is quoted to issue two rulings, with a tendency among scholars to favor the version which demonstrates its being (واجب) for women.

And *Khitān* for men means the removal of the foreskin of a male so that the member is completely exposed while *khifad* for women means the partial cutting of the clitoris above the urine tunnel.

Scholars received evidence about the practice concerning women (خفافس النساء) from *hadith* Um Atiyyah (May Allah be Pleased with her), who said, "That a woman who did *khifad* in Medina was told by the Prophet (Peace and Prayers be upon Him): "لا تنهكي ، فإن ذلك أحظى للزوج وأسرى للوجه"

The *hadith* in free translation means, "Don't extract it! That (not extracting it) is better for the husband and makes the face brighter."

In another more detailed version of the Um Atiyyah narrates, "أنه عندما هاجر النساء كان فيهن أم حبيبة وقد عرفت بختان الجواري، فلما رآها رسول الله صلى الله عليه وسلم قال لها: "يا أم الحبيبة: هل الذي كان في يدك هو في يدك اليوم؟ فقالت: نعم يا رسول الله إلا أن يكون حراما فتناهى عنه – فقال رسول الله صلى الله عليه وسلم بل هو حلال . فادن مني حتى أعلمك ، فدنت منه – فقال: يا أم حبيبة إذا أنت فعلت فلا تنهكي، فإنه أشرق للوجه وأحظى للزوج."

The *hadith* in free translation means, "When the women migrated to Medina, Um Habeebah was among them and she was known to practice *Khitān*. When the Prophet (Peace and Prayers be upon Him) saw her, he said to her, 'Um Habeebah! Do you still practice today the occupation you did in the past?' She replied, 'yes, messenger of Allah, unless it is haram and you forbid me to do it anymore.' The Prophet (Peace and Prayers be upon Him) said, 'No, it is *halal*. Come close to me so that I teach you.' She came near him. He said, 'Um Habeebah! If you do it, don't extract it)! That (not extracting it) makes the face brighter and is better for the husband."

"Not exhausting" in the *hadith* above means not to exaggerate in the length of the skin cut. This is supported by the other *hadith* narrated by Abu Horairah (May Allah be Pleased with Him) who said that the Prophet (Peace and Prayers be upon Him), said,

"يا نساء الأنصار اختفضن (أي اختتن) ولا تهكن (أي لا تبالغن في الخفاض)" وهذا الحديث جاء مرفوعاً برواية أخرى عن عبد الله بن عمر - رضي الله عنهما - .

The *hadith*, which is narrated by Abdullah bin Omar (May Allah be Pleased with them), orders women of Ansar to practice *khifad* and not to exaggerate in the part of skin removed.

The different versions of the *hadith* indicated the Messenger's clear call for *Khitān* and his prohibition of the extraction; the justification for the practice is expressed in amazing brevity indicating a miracle of ingenuity: "That (not extracting it) makes the face brighter and is better for the husband."

This prophetic instruction balances the woman's sexual conduct. When the Prophet directs his followers to remove part of the skin above the urine tunnel, he means to discipline the instinct of sexual desire while maintaining the essence of the pleasure. Thus, women can enjoy making love with their husbands and the extermination of the source of pleasure is forbidden.

This *hadith* strikes a balance and achieves mediocrity. On the one hand, women are not deprived of joy and disciplined response. On the other hand, they are circumcised to prevent sexual misconduct resulting from failure to restrain instincts.

We learn the prophetic instructions, Quranic verses and discussions of scholars that circumcision for men and women is a *fitrah* which Islam asserts and urges Moslems to be committed to. The Prophet instructs Moslems how to practice it and defines the length of the skin removed.

Imām al-Baydawi said about the *hadith* of *fitrah*¹ that circumcision for men and women should be performed within the first year after birth. He added that

¹. Narrated by al-Bukhari 10/295; *Nail al-Awtar* by ash-Shukani.

the meaning of *fitrah* in the hadith is the old *sunnah* chosen by prophets and agreed upon by all religions.

And ash-Shukani said¹ in his *Nail al-Awtar* (نيل الأوطار) that the interpretation of *fitrah* by the *sunnah* is different from the traditional meaning compared with *fard*, *wajeb* and *mandub* (الفرض، الواجب، المندوب). Rather, it means the path, the path of Islam as understood by the general public of Moslems which more common than the concept of scholars.

Hence, scholars of all doctrines have agreed that circumcision for men and women is the innate quality, *fitrah*, of Islam and praiseworthy. There is no single Moslem *faqih* who is quoted to have issued a ruling or gave an opinion which prohibits *Khitān* for men and women, suggests it should not be performed or harms the women, if operated in the way defined by the prophet.

As the difference in defining its classification as *fard*, *wajeb* and *makrumah* (المكرمة), it can be said that this difference lies in the linguistic term under which the ruling is placed. This is supported by the various opinions of *Imāms*. *Imām* Abu Haneefah,² to start with, is quoted to have said that if the people of a certain village agreed to abandon circumcision the *Imām* would fight them, because *Khitān* is one of the major practices and prominent characteristics of Islam. Abu Haneefah demonstrated that *Khitān* descends from the legislations of Ibrahim, the Prophet. He himself was circumcised and Mohammad (Peace and Prayers be upon Him) considered it as one item of *fitrah*.

I tend to favor interpretation of ash-Shukani and others that circumcision is the *sunnah*, the way of Islam, and that it is a main characteristic of it; I also adopt the meaning (of *sunnah*) embraced by the general public rather than the interpretation which is offered by scholars.

¹. Vol. 1 p. 113.

². *Al-Ikhtiyar Sharh-el-Mukhtar*, Vol. 2, p. 121.

That the difference among scholars lies in linguistic terms is supported by the fiqh of ash-Shafie and Ahmad, who rule that circumcision is *wajeb* for men and women.¹ Followers of the fiqh of Abu Haneefah believe it is so obligatory that if the people of a certain village agreed to abandon circumcision the *Imām* would fight them just as he would if they abandoned the call for prayer (*azan*).²

The arguments brought here demonstrate beyond doubt that girls' circumcision is an innate quality, a *fitrah*, of Islam that should be performed as defined by the Prophet (Peace and Prayers be upon Him). If so, it should not be left to others, even doctors, to decide how to perform it, to redirect it or to redefine it. This is so because medicine is a science and science is not stable; its perspectives and theories change constantly.

¹. *Al-Majmua*, Vol. 1 pp., 298, 299, 301.

². *Al-Ikhtiyar Sharh-el-Mukhtar*, Vol. 2, p. 121.

The Second Text

Abortion: Its Forms and Decree ¹

Introduction

Abortion (linguistic definition)

It is stated in *Lisaan al-Arab* in the material related to جَهْض:

"أجهضت الناقة إجهاضاً، وهي مجهض"

This means it delivered an imperfect baby.

And the aborted baby is "مجهض" if it is indistinguishable; the Arabs also give the name "الجهيض" to the aborted baby whose creation is perfect and whose soul is present in the body but it does not survive.

In the dictionary the words "الجهيض والمجهض" are given to a perfect baby born with a soul but does not live. And in "المصباح" *Mesbah* it is said: "أجهضت الناقة والمرأة ولدها" which means: the mother delivered an imperfect baby so it is "جهيض" with or without "ه". The *Mesbah's* definition indicates the possibility of using the term "إجهاض" when referring to a woman or – a she-camel.

The scholars of all doctrines, except Shafiyya, Shiites and Jaafariyya, are used to giving the term "إسقاط" when referring to the linguistic meaning of the word "إجهاض" and so the meaning of the word is as follows: The mother delivered her embryo before the end of the period, regardless of the fact whether it lived or not; the physical creation of the embryo was complete and the delivery was intentional as it was done by the use of medicine or as an act by somebody other than the mother.

¹. Quoted form, *Islamic Research and Fatawa on Contemporary Cases*, Vol. II pp. 378-390.

The Decree of "إجهاض": Has the doer of *Ijhad* Committed a Sin?

The Scholars of Abu Haneefah's Doctrine Said,¹

It is permissible to abort an embryo without the permission of the husband before the passage of the first four months, i. e. before Allah breathes the spirit into the body. It is, however, considered a despicable deed (*Al-Khaniyyah*). I do not think it is *halal*; if a *mohrem* who is in pilgrim garb breaks the egg of a sacred precinct, he is commits a sin because the egg is the source of the precinct. If breaking the egg of a sacred precinct is a sin, the woman's intentional act of abortion is surely considered to be more so. She will perhaps cease to lactate after the appearance of her pregnancy. The father is not obliged to hire a substitute mother to feed the born baby.

Is Abortion Permissible after Pregnancy?

It is permissible as long as nothing is created out of the embryo. Scholars believe it takes the embryo one hundred and twenty days until it becomes a living creature with a spirit within. Other scholars maintain it is an undesirable act even if the embryo does not become a living creature because sperm is fated to become a life. Hence, the decree is similar to the decree of the sacred precinct's egg.

Iben Wahban believed that abortion has the decree of *udr* (عذرى) and the mother does not commit the sin of a killer.

The Fiqh of Imām Malek's Doctrine²

It is not permissible to remove the sperm from the womb even before the end of forty days. If the spirit is in the body, it is *haram* by consensus.

¹. *Hashiyyat Radel-Muhtar* by Iben Aabdeen, Vol. II, p. 411; *Fath-el-Qadeer* by Kamal bnul-Hammam, Vol. II p. 495.

². *Hashiyyat-el-Dusuki on the Interpretation of ad-Dardeer*, Vol. II, p. 226; *Bidayat-ul-Mujtahed*, Vol. II, p. 348.

It was also said that it is undesirable to remove the embryo before the end of forty days. This indicates that the decree above means prohibition, *tahreem*. This is understood from other sources which affirm that for the Malekiyyah doctrine there is no room for the removal of the embryo before the implanting of the spirit in it. Ibn Rushd supported this claim and added that Malek favored, in the case in which an embryo is aborted, the act of expiation (كفارة); Malek, however, did not make the *kaffarah* an obligatory practice because he could not decide whether the abortion was intentionally or unintentionally done. He favored *kaffarah* when the sin of abortion is recognized as intentional.

The Fiqh of Imām ash-Shafiee¹

The scholars of this doctrine disagreed concerning the doctrine of abortion before the spirit is breathed into the embryo, whose womb age is less than 120 days. Their inclination is to make abortion *haram* (illegitimate) but they differentiate between the case in which the sperm has just been implanted in the womb, not ready for life, and the case in which it has occupied a stable position inside the womb and has started the process of being created.

The Shafiyya scholars have also differed in the doctrine of *nutfah* (sperm). If the sperm is less than forty days old, there are two decrees: first, that it does not have the doctrine of intentional abortion or burying a living creature (وَأَد); second, the removing it is *haram* and that it is not permissible to destroy it or to cause its removal after its having the position of stability.

The following are more comments on the issue: The Karabeesi said, "Once I asked Abu Bakr-bno-Abi Saeed-el-Furati about the decree of a man who gave his maiden a drink to abort her embryo. He answered, 'As long as the embryo is still a *nutfah* or *alaqa* (a clot), it is permissible, if *Allah* wishes.'"

¹. *Hashiyyat-ul-Bajermi alaa el-Iqnaa*, Vol. IV, p. 40; *Hashiyyat-ul-Shabramilsi alaa Nihayat-ul-Muhtaj*, Vol. VI, p. 179 and *Kitab Ammahat-ul-Awalaad fi Nihayt-ul-Muhtaj*, Vol. VIII. P. 416.

And in *Ihya' Uloom-ad-Deen*, al-Ghazali said the following concerning the difference between *ijhad* and *azl* (عزل): If the embryo is in a state before the spirit has been implanted within it, the decree of its being haram is distanced; however, if the embryo has a spirit within it, it is surely haram to remove it. As for the former case, it should not be categorized under the decree of (خلاف الأؤلى) but it is subject to *tahreem* and *tanzeeh*. As the time of breathing spirit into the embryo approaches, removing it becomes a crime.

The Fiqh of Imām Ahmad-bno-Hanbal:¹

The woman can remove the *nutfah* before the embryo is forty days old through taking a legitimate drug, which indicates that abortion by a permitted drug during this period has the decree of *ibahah*, permissibility.

And Iben Qadamah affirmed in his *al-Mughanna* that he who beats a woman on her belly in hopes that she abort her baby must pay *kaffarah* and *gharrah* (غرة), which is one tenth of a *diyyah*. Likewise, if a pregnant woman takes a drug in hopes that she remove an embryo she is to pay *kaffarah* and *gharrah*. The justification for considering this decree as *wajeb* is a sign that the woman is guilty. And it can be understood out of the assumption brought by Iben Qadamah that the decree is applicable only when the embryo is found out to have a spirit inside, beyond any doubts.

The Fiqh of Ad-Daheri's Doctrine:²

For a man who beats a pregnant woman causing a miscarriage of an embryo younger than four months, there is no need for *kaffarah* but *gharrah* is obligatory. This decree is based on the Messenger's conduct, who pointed out that there is no killing here except the embryo. If the doer is proved not to have killed anybody, *kaffarah* is not necessary. Killing occurs when there is a spirit; the removed embryo mentioned above has no spirit yet. According to their

¹. *Ar-Rawd-al-Murabbaa* fi Bab-el-Amd, p. 447 and *al-Mughanna* by Iben Qadamah, Vol. VII in The Book of ad-Diyyat.

². *Al-Muhallaa* by Iben Hazm, Vol. Xi, pp. 35-40.

doctrine, sin occurs when *ijhad* is committed after the embryo has completed four months. So *kaffarah* is to be implemented when sin is truly recognized and is not obligatory when the embryo is younger than four months.

The Fiqh of Az-Zaidiyyah:¹

Nothing is to be done if the embryo has not had any form of creation, i. e. it is not a lump nor blood. *Kaffarah* is not payable in the case of an embryo, either. The Prophet (Peace and Prayers be upon Him) decreed that *gharrah* is necessary but never mentioned *kaffarah*. Besides, what has come out dead (the dead embryo) is not described as one having faith (living human creature); and if the miscarried embryo lives and then dies, *kaffarah* is obligatory. This suggests that sin has been proved in this case.

The Fiqh of Shiite Imāmiyya: ²

Scholars of this doctrine favor *kaffarah* when the embryo with spirit within is killed. And it was said that *kaffarah* is obligatory, whether the spirit is inserted into the embryo or not.

The Fiqh of al-Ibadiyya:³

The pregnant woman is not to commit an act which may harm her pregnancy by eating or drinking hot and cold things, or by lifting heavy weights. If she is aware of her own pregnancy and she harms her pregnancy intentionally then she is condemned as a sinner and is subject to proper punishment. Otherwise, she is free of sins.

Conclusion

The conclusion to be reached through the doctrines introduced above is that the question of *ijhad* before the spirit is breathed into the embryo has four decrees:

¹. *Al-Bahr-uz-Zakhkhar*, Vol. V, p. 260 and 457.

². *Ar-Rawdah a—Baheyya*, Vol. II, p. 445.

³. *Sharh-un-Neel*, Vol., VIII pp. 119, 121.

First, there is the decree of *ibahah* with complete disregard to the presence of an excuse (*udr*) or not. This is the attitude of Zaidiyyah and a group of Hanafiyyah and Shafiyyah scholars. Some, however, conditioned this decree with the availability of an excuse (*udr*).

Second, *ibahah* when an excuse (*udr*) is available and aversion in the absence of an excuse (*udr*). This position is adopted by scholars of Hanafiyyah and a group of Shafiyyah.

Third, aversion upon the whole. This is the attitude embraced by a group of Malek's doctrine.

Fourth, illegitimacy (*haram*). This is the decree embraced by the Malekiyyah and agreed upon by the Daheriyyah doctrine in the question of prohibiting *azl* (transferring the sperm to outside the wife's vulva so as to prevent pregnancy).

The Decree of *Ijhad* after Breathing the Spirit

The decrees of the scholars of all doctrines¹ indicate that aborting an embryo without a legitimate excuse after the breathing of spirit, i. e. after the fourth month, is prohibited. Such a deed necessitates punishment by law. If a woman removes her embryo and it exists while alive and dies afterwards, i. e. after the spirit flows inside, she is subject to *gharrah*. The same decree is applicable if the embryo is removed by someone other than the woman while it is dead. In case that the father carries out the abortion, he is obliged to pay *gharrah* as supported by the agreed-upon *hadith*: It was narrated that Abu

¹. In the fiqh of Abu Haneefah, *Hashiyyat Radel-Muhtar* by Iben Aabdeen, Vol. V, p. 410, 413; *Fath-el-Qadeer* by Kamal bnul-Hammam ala al-Hidayah, Vol. IV p. 153. In the Fiqh of Malek, *Hashiyyat-el-Dusuki and the Interpretation of ad-Dardeer*, Vol. IV, p. 268; in the fiqh of ash-Shafie, *Nihayat-ul-Muhtaj*, Vol. VII, p. 360, 364; in al-Hanbali fiqh, *al-Mughanna* by Iben Qadamah, Vol. VIII in The Book of ad-Diyyat; in the Daheri fiqh, *Al-Muhallaa* by Iben Hazm, Vol. XI, pp. 37-46; in the Zaidi Fiqh, *Al-Bahr-uz-Zakhkhar*, Vol. VII, p. 356; in the Imamiyya fiqh, *Ar-Rawdah a—Baheyya*, Vol. II, p. -444-445 and in the Abadi fiqh, *Sharh-un-Neel*, Vol., VIII pp. 119, 121.

Horairah (May Allah be Pleased with him) said, "The Messenger Of Allah (Peace and Prayers be upon Him) sentenced a woman, from the tribe of Lahyan, whose embryo fell dead to pay the *gharrah* of a he or she slave."¹

In another hadith narrated by Al-Mugheerah bno-Shubah and Mohammad bno-Maslamah (May Allah be pleased with both) that Omar (May Allah be pleased with him) asked their advice in the question of a woman who aborted her embryo. Al-Mugheerah said, "The Prophet (Peace and Prayers be upon Him) sentenced a woman to pay the *gharrah* of a he or she slave." Mohammad bno-Maslamah testified that he was a witness when the Prophet (Peace and Prayers be upon Him) issued that decree.² Some scholars necessitated *kaffarah*.

The removal of an embryo after the implanting of a spirit is both a sin and a crime. This act of killing a human being possessing a human spirit is considered both a sin, thus requiring an act of expiation, and a crime thus necessitating *gharrah*.

Yet, if there is legal reason entailing abortion or if the woman faces difficulty in delivering a baby and doctors maintain that keeping the baby will harm the mother, abortion is permissible; it becomes obligatory if keeping the baby endangers the mother's life following the religious role of committing the slighter harm (of two harms) and the lesser evil (of two evils). If doctors have to choose between keeping the mother's life or the baby's, the mother's life takes priority as she is the origin of the baby, her life is more stable and she has a better chance in life. Furthermore, the mother has rights and duties. Thus it is not permissible to sacrifice the mother for the benefit of an embryo whose life has not been guaranteed.

¹. From an agreed-upon hadith, *Nail al-Awtar Shareh Muntaq-al-Akhbaar* by ash-Shukani, Vol. VII p. 69..

². *Al-Luoluo Wal-Morjaan fimat-tafaqa Aliah-i-Shiakhaan*, compiled by Mohammad Foad Abdul Baqi, Hadith no. 109, p. 420.

The Sheikh's Method in *Fiqh* and *Iftaa*

Sheikh Jad-el-Haq believed that *fatwa* has a strong impact on people's life and, consequently, that it is necessary for scholars who practice *iftaa* to be equipped with a particular code of conduct.¹ Reviewing the Sheikh's works and quoted texts, we can pinpoint some trends which characterize the Sheikh's *fiqh*. First, he discussed an array of cases and subjects on the different aspects of life, reflecting the nature of Egyptian society, its interests and its concerns. He formed a general framework of ideas that gave answers to questions related to religion, doctrines, politics, economics and society. The consequences of his *fatawa* have not been predictable or measurable. It is very likely that the number of inquirers was huge but the Sheikh's *fatawa* were not implemented and did not take the status of a rule whose violation entailed punishment. Had the state recommended his *fatawa* be turned into laws, their influence would have been felt more strongly.

As said above, the Sheikh's *fatawa* cope with the questions of modern age like banking, women's traveling, fasting in countries with long days, transplantation, artificial fertilization, protective measures, international laws, accord signing and political cases.² Thus Moslems considered him the reference when there was a need to give a *fatwa* about a modern question, not known to scholars in the past.³ The Sheikh found his information out by asking professional people; if the question dealt, for example, with a matter from the field of medicine, he consulted doctors and so on. On-lookers into the *fatawa* and *fiqh* of the Sheikh realize that consulting professional people characterized his style in *iftaa*. When confronted with a medical question, he would try to

¹. Al-Hulwani, "Jad-el-Haq and his history pregnant of giving and achievements," *Manbar-ul-Islam*, March/April, 1996, Year 54, Issue 11, p. 20.

². Skovgaard-Petersen, *Defining Islam for Egyptian State*, p. 230-231

³. Al-Bayyomi, *Ann-Nahdah al-Islamiyya fi Siyar Aalamiha-l-Muaasereen*, Vol. III, p. 69.

find evidence in the decrees of other scholars and would release a *fatwa* only after studying the material presented by doctors. He occasionally said, "If the doctors' opinions are so and so, the religious decree is so and so."¹ The Sheikh's approach to releasing *fatawa* demonstrates his dependence on modern science as a tool to help him understand the details of the target question.²

Sheikh Jad-el-Haq was conscious of the danger of Moslems assimilating into others' cultures and ideas and therefore affirmed that the ideal way to preserve Islam is to stick to the values of Islam and simultaneously to adopt from others what is beneficial and helpful provided that there is no clash with Islamic legislations.³ Perhaps this is what Sheikh Mohammad Mitwalli Shaarawi meant when he eulogized Sheikh Jad-el-Haq. He said, "We learned from our Sheikh that we must not modernize religion but sanctify modern life because the modernization of religion implies its imperfection." In doing so, the Sheikh did not oppose the consensus of veteran scholars or deviate from the decree that most scholars agreed upon.

The Sheikh's *fatawa* are considered scientific research. He initially points out the religious legislation in a direct way, then gives the linguistic definition of the target question citing prestigious dictionaries, relevant Quranic verses and Prophetic hadiths; he eventually discusses the decrees of the scholars of the four major doctrines. Moreover, the Sheikh mentions the decrees of the various Shiite groups, such as Zaidiyyah and Imāmiyya, and sometimes he discusses the decree of Ibadiyya from the Khawarej and the Daheri doctrine. Furthermore, the Sheikh often discusses the slight differences within the same

¹. Jad-el-Haq, *Islamic Research and Fatawa on Contemporary Cases*. Vol. II, pp. 420-378.

². Respler-Hayem, Egyptian Fatawa on Medical Questions: Dialogue between religion and Science" *Islam and The Worlds Present in it*, pp. 493-512.

³. Jad-el-Haq, *Religious Fundamentalism: its Social, Political and Public-Security Consequences*, pp. 4-16.

doctrine. Only then does he favor a certain decree with complete disregard to its origin.¹

This approach of reviewing the sayings of scholars on a specific question makes it easier for the inquiring person to choose a certain decree; if that inquirer is committed to a certain doctrine, he can pick its decree without having to adopt the Sheikh's opinion and if that inquirer has difficulty embracing the Sheikh's opinion, he can choose one *fatwa* which fits his abilities and ideas. In addition to this, the Sheikh's approach of consulting professional people, especially in the field of medicine, turned his *fatawa* into long texts thus giving his *fatawa* a special form and content (See his approach in the text quoted about *Khitān* and *ijhad*).

The Sheikh occasionally resorted to *al-Masaleh al-Mursalah* in order to maintain the general interests of the public. He believed that girls are obliged to be circumcised in view of today's scenes of impiety. According to him, the uncontrolled integration between men and women necessitated the girl's *Khitān* to forestall the possibility of deviation caused by excessive exposure to conditions of temptation.²

Although the Sheikh adopted the doctrine of Hanafiyyah for himself and practiced all his religious life according to this doctrine, he never showed blind commitment to a single doctrine.³ In his *iftaa*, as we have already demonstrated, he was not confined to Hanafiyyah; he reviewed the decrees of

¹. As-Sauod, "The loss of Islam and al-Azhar: The Permanent truth Seeker," *Al-Akhbar*, 19/3/1996, p. 4.

². The Higher Council for Islamic Affairs, *The Islamic Fatawa from the Egyptian Iftaa House*, Vol. IX pp. 3123-3124.

³. Al-Bayyomi, *Ann-Nahdah al-Islamiyya fi Siyar Aalamiha-l-Muaasereen*, Vol. III, p. 73.

all doctrines, whether from *Sunnah* or *Shiite*, and occasionally he released decrees which were not necessarily in harmony with Hanafiyyah.¹

In the majority of the Sheikh's *fatawa*, there is a clear tendency to cite a large number of sources of *fiqh*, which indicates the Sheikh's wide scholarly learning and turns his *fatawa* into scientific research papers. These *fatawa* often have margin notes indicating the sources used and other sources which could benefit the subject, as well as the Quranic verses cited and showing the rank of the hadith and a few other comments. In the end of *fatawa* books, readers find a bibliographical list and a table of content indicating the topics discussed in the book.

It was the Sheikh's belief that his work as a judge obliged him to study all questions deeply and slowly to attain justice. Hence, his mentality was that of a judge who looks into a case presented to him with balance and serenity and away from rashness and excitement until he thought he arrived at the right decree.²

The Sheikh considered differences in opinions, enhanced by legal evidence, to be a matter that makes life easier for Moslems. Thus, he was not concerned by the presence of the various doctrines if that means more *fatawa* which give people a variety of choices.³ He realized the difficulties of modern life and that there are certain necessities that people cannot live without, so he looked for lenient rules to help people attain the necessary elements of life with ease. This

¹. Jad-el-Haq, *Islamic Research and Fatawa on Contemporary Cases*. Vol. I, pp. 82-90, 198-201; Vol. IV, p. 90.

². See what he said about himself concerning the influence of his being judge on iftaa, Jad-el-Haq, The Major Imam in an important talk to Aakherr Saah, " *Al-Azhar*, August, 1990, Vol. I, year 63, p. 21; Al-Fayed, "Islamic Associations: Jad-el-Haq... The Duty until Death," *Al-Jumhoriyyah*, 22/3/1996, p. 7 and As-Sauod, "The Loss of Islam and Al-Azhar: The Permanent Truth Seeker," *Al-Akhbar*, 19/3/ 1996, p. 4.

³. Jad-el-Haq, "The Conduct of Difference in Islam," *Al-Azhar*, November 1993, Vol. V year 66, pp. 632-637.

helps explain why people trusted him and followed his decrees. The huge number of *fatawa* released by the Sheikh is a sign that asserts his high position among.¹

In spite of the element of ease in his *fatawa*, the Sheikh knew how to draw distinctions between flexibility and tolerance for the purpose of modernizing Islam. Unlike other muftis, the Sheikh did not release legal decrees to satisfy certain ideologies and political practices, and thus avoided betraying the rules of extracting a proper decree. His decrees remained within the framework of the flexibility allowed by the rules of legislation. That is one reason that a number of contemporary scholars, represented by Yosuf al-Qardawi, praised his approach in releasing *fatawa* away from the influence of the personal agendas of the authorities.²

Although Sheikh Jad-el-Haq single handedly coped with numerous modern questions, some of which were traditional and others related to modern life, he nonetheless called for collective instead of individual *iftaa*. He often asserted that collective *iftaa* did not lower the level of scholars or indicate imperfection in their knowledge. On the contrary, he believed that the modern questions confronting today's scholars were unprecedented and therefore no decrees existed on which they could depend, and that these questions were so complicated that they caused sharp disagreement among the scholars and that they required precise professional knowledge unavailable to an individual

¹. Al-Fayed, "Islamic Associations: Jad-el-Haq... The Duty until Death," *Al-Jumhoriyyah*, 22/3/1996, p. 7.

². Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39; Al-Hufi, "Personal Features: Sheikh Jad-el-Haq a Bright Page of Knowledge and Giving," *Ash-Shaab*, 16/8/1996, p. 7.

scholar. Therefore, he thought that establishing councils of *fiqh* could provide a perfect solution to these problems.¹

It is worth quoting Al-Qardawi's opinion about the Sheikh which not only tells us a lot about the Sheikh's life, approach and attitudes, but also ranks the Sheikh high among prominent scholars of the nation. Al Qardawi said,

Perhaps some people found fault with the Sheikh's tendency to adopt a traditional approach in *fiqh* and *iftaa*. He was firm in his position concerning the question of girls' circumcision and adopted the strictest decrees about it, when in fact, the issue is simpler than that. Moslems differed about the question of circumcision in saying and deeds. Girls in the Gulf countries, North Africa and many other countries are not familiar with circumcision. The Sheikh in his *fatwa* did not go beyond the circle of proper *fiqh* but issued a decree to show what is right according to his own understanding. He is not to be blamed for doing that. The man never claimed that he was a reformer or innovator. Any *sheikh* who has a traditional approach in *fiqh* is much better than those who claim they are reformists and innovators without sufficient qualification. Such reformers make *halal* what Allah prohibits and prohibit what Allah makes *halal* or ignore what Allah makes obligatory and legislate in religion what Allah does not permit.²

Strangely enough, Ahmad Omar Hashim, the president of al-Azhar University, thought otherwise. He said, "The late Major Imām was literally an innovator and diligent mufti; he encountered all contemporary questions which raised bitter controversy with scientific precision and deep study of decrees."³

¹. Jad-el-Haq, "The Conduct of Difference in Islam," *Al-Azhar*, November 1993, Vol. V, year 66, pp. 632-637.

². Al-Qardawi, "In Bidding Sheikh Jad-el-Haq farewell: A Man Who Was Truthful to Himself, Truthful to His Lord," *Al-Mujtamaa*, issue 1193, 26/3/1996, p. 39.

³. Hashim, "Farewell... Sheikh al-Azhar," *Al-Akhbar*, 26/3/1996, p. 4.

Conclusion

Sheikh Jad-el-Haq managed to make a distinct *faqih* of himself. In spite of his tendency to adopt traditional attitudes when dealing with numerous questions especially those related to *ibadaat* (worship) and follow the steps of previous scholars, he was reformist and rebellious in a variety of cases. Moreover, more often than not, he strongly opposed the decrees of many scholars, basing his arguments on religious evidence. When evidence is available and clear, it is obligatory for a mufti to work according to its instructions and accept its judgment. Thus, he never hesitated to release any judgment even if it was not in one line with the laws which people obey, or was in conflict with perspectives existing among scholars or people. For example, he adopted the strictest of positions concerning the question of girls' circumcision launched by intellectuals and statesmen to put an end to that practice. He permitted music and singing, if maintained within the framework of certain conditions, despite the fact that the majority of scholars prohibited them for purposes of piety and chastity. He gave a decree according to which it was possible to remove from a dying person all breathing and revival tools if doctors decided life was impossible. This question was controversial and sensitive because it dealt with death and life; yet the Sheikh knew how to mediate between science and *Shareeah* after having consulted doctors and scientists. These attitudes illustrate the Sheikh's freedom of judgment, independence of character and strength of personality. He kept himself distant from absolute imitation of decrees released by a certain doctrine and from decrees issued by a certain mufti. His positions also demonstrated his flexibility when giving judgments; perhaps his understanding of reality was what dictated how firm or lenient the *fatwa* would be. We see, for instance, that his opinion regarding the question of circumcision rose from the increase of acts of impiety in our modern life. The circumcision of girls, he thought, would restrain the woman's desire and make it mild. In the political sphere, he supported the

peace settlement between Israel and Egypt, though the majority of scholars and Islamic groups inside Egypt and in the world opposed it. Perhaps this attitude was an response to the growing wave of extremism and blood shed in Egypt. His discovery of reality and detection of circumstances were of the major factors which helped him define the destination and essence of his *fatwa*. His decision upon a fatwa took into account all different fiqh opinions, life conditions and the changes of time and place.

Perhaps the appointment of Sheikh Mohammad Sayyed Tantawi, who is known for his faithfulness to the state, after the death of Sheikh Jad-el-Haq was an attempt by the state to release itself from the grip of al-Azhar or take away the sense of independence which al-Azhar enjoyed during the period of Jad-el-Haq.¹

¹. Mustafa, "Conflict and Cooperation between the State and Religious Institution in Contemporary Egypt", *International Journal of Middle East Studies*, pp. 16-17.

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