

# Islam, Purity, and Modernity

## “Blameworthy Innovations” in the Maghreb, 1920–1950

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**Around 1950, after half a century** of missionary work in the Mزاب—a northern region of the Algerian Sahara—the Catholic priest Louis David set down his recollections:

*Cottonade, commonly employed nowadays, was of no use; making clothes from it was considered a serious departure from ancestral customs. ... Sugar and coffee, which today the Mزابis cannot do without, were strictly forbidden. Sugar, because it was refined using charcoal from the bones of animals that had not been ritually sacrificed. As for coffee, only a beverage from hell could be of that black color; therefore it could not be permissible to drink it. One could continue this list of things deemed impure. ... Only yesterday, it was not permitted to use artesian water in the mosques, and praying before an electric lamp was forbidden.<sup>1</sup>*

This article was first published as “Islam, pureté et modernité. Les ‘innovations blâmables’ en débat au Maghreb, 1920–1950,” *Annales HSS* 73, no. 2 (2018): 385–410. It was translated from the French by Monica Biberson and edited by Đại Lâm Tait and Chloe Morgan.

\* The present article would have been very different without my many discussions with Ismail Warscheid and M’hamed Oualdi. I thank them, as well as Catherine Mayeur-Jaouen, Camille Lefebvre, and Étienne Anheim, for their invaluable suggestions. I am also grateful to the Near Eastern Studies Department of Princeton University, which welcomed me as an associate research scholar in the spring of 2018 and where I was able to present earlier versions of this text.

1. P. Louis David, “Le Mزاب hier et aujourd’hui,” Ghardaïa, Centre culturel et de documentation saharienne (hereafter “CCDS”), doc. X-94, c. 1950, pp. 1–2.

David highlighted the significant changes that had taken place since the early twentieth century, including the gradual loosening of the prohibitions issued by certain Muslim scholars (*ulama*) against European practices and products. The missionary deemed these prohibitions to be absurd, and felt that they testified to the irrational nature of Islam, which struggled to adapt to a modernity so foreign to it. Such a caricatural point of view fails, however, to fully account for the forces underlying this moment in the history of the modern Maghreb.

European practices, technologies, and consumption habits were certainly described in the interwar period as “blameworthy innovations” (*bid’a*) by some of the Mzab’s *ulama*. They forbade their use, sparking intense debate among scholars and, more generally, among the Muslim populations of the region. The term *bid’a* covered a variety of practices, including the use of electricity and objects made by non-Muslims, of the telephone to set the dates for Ramadan, and dressing like Europeans. This article will use the case of the Mzab to rethink the narratives that present modernity as one of the driving issues in the recent history of Maghrebi and Islamic societies. These debates, so crucial on the scale of a single community, focused first and foremost on that community’s purity, its limitations and its normativity, and on how it could be mobilized.

The Berber-speaking populations of the Mzab—an oasis region made up of seven *burgs*, or small market towns—made their living from agriculture and increasingly from trade practiced via temporary labor migration to larger towns in the north of the country and Tunisia (fig. 1). It was not entirely new to see European products in the Saharan markets, as the area had been at the center of trade and migration networks since at least the sixteenth century.<sup>2</sup> However, the situation changed after France’s annexation of the Mzab in 1882. Direct military administration was imposed, and in 1883 a carriage route to Algiers was opened, accelerating the region’s integration into Algerian and international commercial circuits. Directly after the First World War, there was an increase in labor migration, and by the interwar period a sixth of the Mzab’s adult male population had settled outside the region.<sup>3</sup> This brought about unprecedented changes to consumer habits that destabilized Islamic jurisprudence.

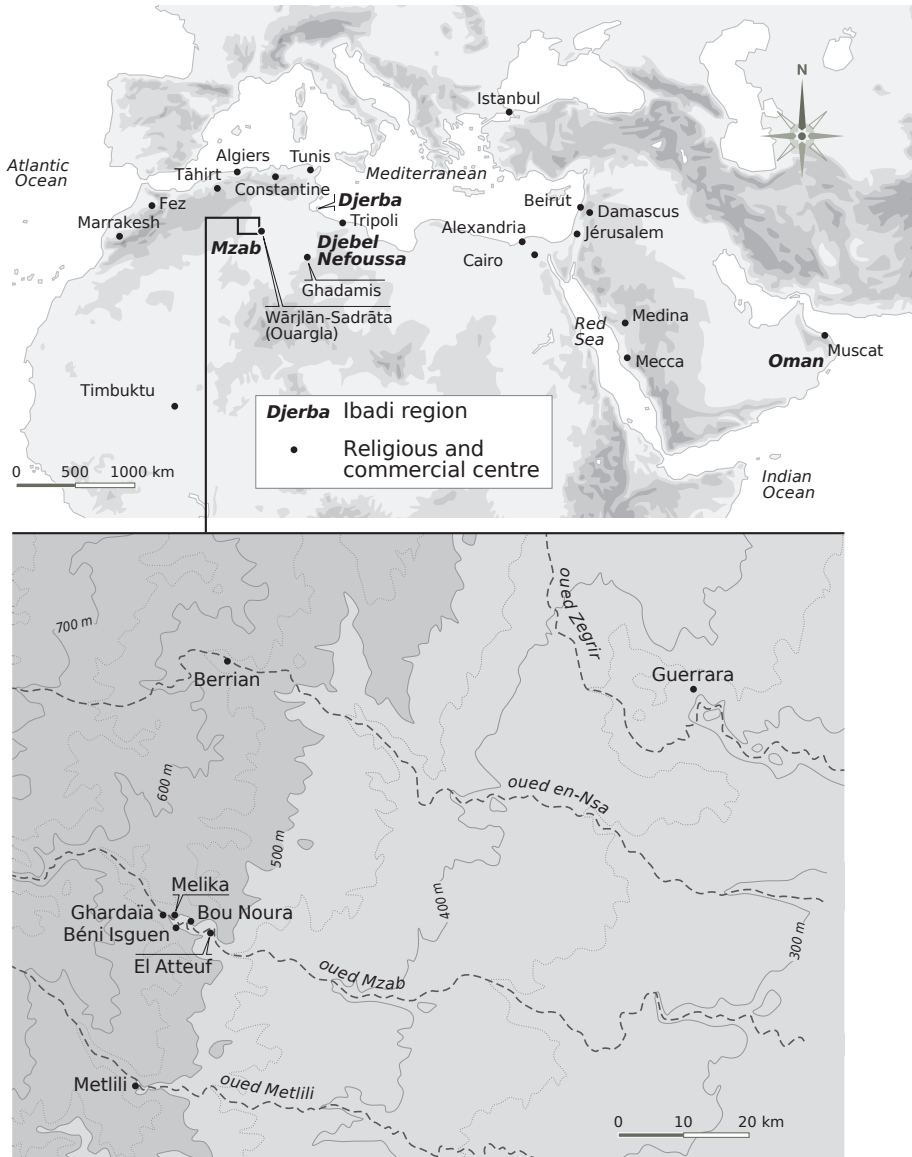
The vast majority of the Mzab’s inhabitants, known as *Mzabis*, adhered to Ibadism. Sometimes called the third branch of Islam, this doctrinal school had its own specific dogmas, hierarchy, and jurisprudence.<sup>4</sup> Nevertheless, the discussions among its *ulama* shared forms and intertextualities with Sunnism, the branch

2. Donald C. Holsinger, “Migration, Commerce and Community: The Mīzābīs in Eighteenth- and Nineteenth-Century Algeria,” *Journal of African History* 21, no. 1 (1980): 61–74; Augustin Jomier, “Les réseaux étendus d’un archipel saharien. Les circulations de lettrés ibadites (xviii<sup>e</sup> siècle–années 1950),” *Revue d’histoire moderne et contemporaine* 63, no. 2 (2016): 14–39.

3. Louis Vigouroux, “L’émigration mozabite dans les villes du Tell algérien,” *Travaux de l’Institut de recherches sahariennes* 3 (1945): 87–102.

4. Augustin Jomier, “L’ibadisme, un islam méconnu,” in *Islams politiques. Courants, doctrines et idéologies*, ed. Sabrina Mervin and Nabil Mouline (Paris: CNRS Éditions, 2017), 179–88.

Figure 1. The Ibadi Archipelago in the Magreb



Source: Augustin Jomier (conception), Cyrille Suss (cartography), 2018.

of Islam dominant elsewhere in the Maghreb. The Mzabi populations and their trading networks in the north of the country closely followed these often-heated debates, which had a strong social impact. By no means reserved uniquely to the elite, such polemics had profound effects on the communities of the inner Maghreb.

At the same time, these debates were fueled by social and cultural developments taking place throughout the Muslim world—both Sunni and Shia—thanks to its rapid integration into a capitalist economy, coupled with the increasing dependency imposed by European powers since the mid-nineteenth century.

Ulama and Muslims in general were regularly confronted with practices and objects they considered new, and such episodes have prompted numerous studies on how artifacts of modernity were, or were not, adopted by the administrations and populations of predominantly Muslim regions. In the case of the Maghreb, these analyses are dominated by the classic narrative of cultural resistance, according to which the refusal, circumvention, or demand for European institutions and technologies by these populations reflected attitudes toward colonization.<sup>5</sup> However, such studies fail to reconstruct the perspectives of colonized peoples in all their thickness and diversity, in particular because they draw solely from European sources that tell us little about the rationales, historicities, and objects conceptualized by Maghrebis.<sup>6</sup> Another current of research addresses Islam's capacity to adapt to and equip itself for modernity. Stemming from Islamic studies, it focuses on Islam as a religion, its textual sources, doctrines, and authorities. These studies underline Muslim scholars' diverse attitudes toward innovation: disdain for European products was not unanimous, and the ulama, far from rejecting technology, influenced the ways in which it was appropriated. Muslim jurists, meanwhile, took up the challenges of this new situation and used older jurisprudential tools to interpret their changing social world.<sup>7</sup>

There is little dialogue between these two approaches, and both are biased. The first draws on a more or less universalist doxa, which presumes European

5. Yvonne Turin, *Affrontements culturels dans l'Algérie coloniale. Écoles, médecines, religion, 1830–1880* (Paris: F. Maspero, 1971); Annick Lacroix, "The Postal Service in the *Douar*: Non-Citizen Users and the Colonial State in Algeria from the Late Nineteenth Century to the Second World War," *Annales HSS (English Edition)* 71, no. 3 (2016): 469–97; Hannah-Louise Clark, "Administering Vaccination in Interwar Algeria: Medical Auxiliaries, Smallpox, and the Colonial State in the Communes Mixtes," *French Politics, Culture and Society* 34, no. 2 (2016): 32–56; Clark, "Expressing Entitlement in Colonial Algeria: Villagers, Medical Doctors, and the State in the Early 20th Century," *International Journal of Middle East Studies* 48, no. 3 (2016): 445–72.

6. Isabelle Grangaud and M'hamed Oualdi, "Tout est-il colonial dans le Maghreb? Ce que les travaux des historiens modernistes peuvent apporter," *L'année du Maghreb* 10 (2014): 233–54.

7. Rudolph Peters, "Religious Attitudes toward Modernization in the Ottoman Empire: A Nineteenth Century Pious Text on Steamships, Factories and the Telegraph," *Die Welt des Islams* 26, no. 1/4 (1986): 76–105; Francis Robinson, "Technology and Religious Change: Islam and the Impact of Print," *Modern Asian Studies* 27, no. 1 (1993): 229–51; Robinson, "Islamic Reform and Modernities in South Asia," *Modern Asian Studies* 42, no. 2/3 (2008): 259–81; Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār al-Iftā* (Leiden: Brill, 1997); Ety Terem, *Old Texts, New Practices: Islamic Reform in Modern Morocco* (Stanford: Stanford University Press, 2014); Ali Altaf Mian, "Troubling Technology: The Deobandī Debate on the Loudspeaker and Ritual Prayer," *Islamic Law and Society* 24, no. 4 (2017): 355–83. Taking a comparative approach, in the case of Christianity one could also cite Michel Lagrée, *La bénédiction de Prométhée. Religion et technologie, XIX<sup>e</sup>–XX<sup>e</sup> siècle* (Paris: Fayard, 1999).

modernity to be homogeneous and external to colonized societies.<sup>8</sup> The second seeks, not without controversy, either to demonstrate that Islam was more or less capable of adapting to modernity, or to defend the existence of an Islamic modernity.<sup>9</sup> Both remain trapped in late nineteenth- and early twentieth-century concepts: modernity and progress were categories that structured European public debate in that era, and were used by the emerging social sciences as a means to comprehend the world. Yet modernity also preoccupied Muslim scholars, particularly those from so-called reformist schools of thought, notably Jamāl al-Dīn al-Afghānī (d. 1897) and Muḥammad ‘Abduh (d. 1905). Emerging in the nineteenth century and based on the admission of European countries’ increasing dominance over Islamic empires, these various religious and political movements sought to bring Muslims back to the supposed original purity of Islam, while also establishing the conditions for the progress and modernization they considered necessary to society. They saw modernity either as a European asset to be conquered, or as a quality intrinsic to Islam that needed to be recovered.

Due to the abundance of sources they produced, their capacity to impose their vision of Islam, and their ties to Orientalist circles, the views of these reformists still dominate European-language research on contemporary Islam. The French-Algerian Islamologist and historian Ali Merad played an important role in their dissemination<sup>10</sup>; his article on “*Islāḥī*” (Reform) for the *Encyclopaedia of Islam*—a major reference work—legitimized reformism as an “orthodox” phenomenon “deeply rooted in the basic soil of Islam,” and an “exceptionally fruitful period.”<sup>11</sup> Its opponents, meanwhile, belonged to “Muslim tendencies committed to conservatism and local traditions”: “Immune to the evolution of contemporary Islam, [they] were also immune to all currents of thought, whether cultural or political.”<sup>12</sup> Merad saw these conservative actors as intellectually impoverished, stating that “their strictly scholastic training kept them within a medieval world,”<sup>13</sup> where they owed their influence to their wealth and dominant social position, as well as the credulity of the masses.<sup>14</sup> Other historians dismissed them as symptomatic of the sterile legal formalism and intellectual lethargy that led to colonization.<sup>15</sup> The dominant historiographical narrative thus endorsed the views of modernist actors and obscured

8. Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), 113–49.

9. Muhammad Khalid Masud, Armando Salvatore, and Martin van Bruinessen, eds., *Islam and Modernity: Key Issues and Debates* (Edinburgh: Edinburgh University Press, 2009).

10. Ali Merad, *Le réformisme musulman en Algérie de 1925 à 1940. Essai d'histoire religieuse et sociale* (Paris: Mouton et Cie, 1967).

11. Ali Merad, “*Islāḥī*,” in *Encyclopaedia of Islam*, 2nd ed., ed. P. Bearman et al. (Leiden: Brill, 1954–2004), [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_0386](http://dx.doi.org/10.1163/1573-3912_islam_COM_0386).

12. Merad, *Le réformisme musulman*, 53–54.

13. *Ibid.*, 68.

14. *Ibid.*, 58–76.

15. Abdallah Laroui, *Les origines sociales et culturelles du nationalisme marocain, 1830–1912* (Paris: F. Maspero, 1977) saw Morocco’s turn-of-the-century religious elites as a force of inertia who frustrated attempts to modernize the country, thereby contributing to French domination.

those who did not fit into its account. Influenced by postcolonial theories, scholars have since deconstructed these representations, showing that it was through contact with the colonizers that reformist actors “learned” of the “backwardness” of their own society: their discourse was based on an internalization of European technical and scientific superiority and a belief in the redemptive role of science and technology.<sup>16</sup> The problem with this criticism, however, is that it minimizes the reformists’ creativity and supports their opponents’ accusation that they enabled the Europeanization of their society. Nor does it interrogate the enduringly negative portrayal of the conservatives.

This article brings together different historiographical interpretations, which have tended to focus either on colonization or on an Islamic form of modernity. In so doing, it proposes an entirely different approach to the relationship between Islam, modernity, and colonization, drawing on the debates that characterized and divided the Ibadi community of the Mزاب, as well as on sources linked to Islamic normativity. The innovations introduced by French colonization definitely shook these populations, and modernity was certainly used as an argument in the ulama’s debates over new practices. However, their polemics were more concerned with the ritual purity of individuals, the reasons for its defilement, and how to preserve it. Alongside modernist considerations, another moral economy, expressed in terms of Islamic normativity, was in operation, and an entire system of norms, values, and cultural practices were discussed and mobilized to defend the interests of the community.<sup>17</sup> Far from a doctrinal corpus opposed to modernity, these sources reveal a rich and decidedly non-monolithic social and religious life built on debate and disagreement. They allow us to decipher—as historians of Islam have recently encouraged us to do<sup>18</sup>—the ways in which a tradition can be negotiated and manifest itself in everyday life. Although it principally concerns the seven burgs of the Mزاب, their Ibadi population, and their trading diaspora, this corpus is indicative of how central issues of purity were to modern Islam and to the construction of colonized communities. Indeed, the doctrinal and jurisprudential specificities of Ibadism, the documentation produced, and the limited size of the Mزابi population allow us to isolate these issues and study them in depth.<sup>19</sup> Of course, an

16. Fanny Colonna, *Les versets de l’invincibilité. Permanence et changements religieux dans l’Algérie contemporaine* (Paris: Presses de la Fondation nationale des sciences politiques, 1995); James McDougall, *History and the Culture of Nationalism in Algeria* (New York: Cambridge University Press, 2006).

17. Edward P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past and Present* 50 (1971): 76–136; Didier Fassin, “Les économies morales revisitées,” *Annales HSS* 64, no. 6 (2009): 1237–66.

18. Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press, 2002); Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press, 2012); Shahab Ahmed, *What Is Islam? The Importance of Being Islamic* (Princeton: Princeton University Press, 2015).

19. Jean-Claude Passeron and Jacques Revel, eds., *Penser par cas* (Paris: Éd. de l’EHESS, 2005), 9.

analysis that focuses on norms cannot tell us everything about Islamic life, and so little of the interwar Sahara can be directly transposed to our world. However, the struggle over blameworthy innovations calls for an approach that avoids ethnocentrism and steers clear of giving an illusory impression of global homogenization, using the tools of both Islamic studies and the social sciences to account for the plurality of discourses and rationales at work. It also requires us to think empathetically, without passing judgment on the supposed archaism or inadequacy of those involved.

The article begins by examining the roots of the division between those who declared themselves either reformists or conservatives, a conflict that played out not only around the colonial invasion and the idea of modernity but also and above all around the preservation of the community. It then turns to debates concerning the purity of believers to show that, despite some agreement, the two currents made use of Islamic normative tools to build very distinct social imaginaries. Finally, the article provides a detailed analysis of an incident that arose over the use of telephones to establish the Ramadan fasting calendar. The affair highlights the legal creativity, often obscured, of the conservatives, and the primarily pastoral concerns of the reformists. While the former sought to defend Islamic normativity in the course of these disputes, the latter used them to call for a more flexible use of legal interpretation (*ijtihād*).

## Behind the Conflict between Conservatives and Reformists

At first glance, and if we consider the debates in this community uniquely through the lens of reformism, using only sources produced by reformists, it would appear that colonization and especially Islamic modernity were central themes. In the 1920s, after four decades of French administration in the Mزاب, a generation of young ulama began to call for reform (*islāḥ*), thus spurring a significant reappraisal of scholarly thought and of the religious sphere. Within a decade, the debate had polarized around the self-proclaimed “reformists” (*muṣliḥūn*, a term derived from *islāḥ*) and their “conservative” (*muḥāfiẓūn*) opponents. If the translation of these labels smooths over their precise nature and the complexity of their meaning, it is unavoidable: the French terms *réformiste* and *conservateur* were sometimes used alongside the Arabic by the actors themselves, and allow us to grasp the sociological, political, and intellectual forces at work in the region.

Following a trend initiated in the late nineteenth century by scholars in the Middle East, Mزاب reformists of the interwar period thus laid claim to a venerable noun and vested it with entirely new social and political meaning.<sup>20</sup> Attested in the Quran, *islāḥ* is derived from the root verb *aṣlaḥa*, meaning to restore order

20. Anne-Laure Dupont, “Réformisme musulman,” in *Dictionnaire de l'Empire ottoman*, ed. François Georgeon, Nicolas Vatin, and Gilles Veinstein (Paris: Fayard, 2015), 1011–13.



to something that has been perverted; it was only much later that it came to denote the idea of “reform”—the translation proposed in 1932 by the Orientalist Henri Laoust.<sup>21</sup> This was a reform that carried the double signification of modernism and a return to origins. Having declared their society to be suffering from “backwardness” (*al-ta’akhhur*), “underdevelopment” (*al-takhalluf*), “stagnation” (*al-jumūd*), and “decadence” (*al-inhiṭāt*), the reformists sought to remedy this and to emancipate themselves by borrowing elements from a modernity and progress that fascinated them. Like others in the Maghreb, they “shifted responsibility for the consequences of colonial oppression onto the colonized” and used their own rhetoric to reiterate the European vision imposed on their culture and society.<sup>22</sup> However, this was not simply a question of internalizing European discourse: these Arabic speakers were marked less by colonial schools, which most of them had not attended, than by their reading of Egyptian and more generally Middle Eastern periodicals, which were not only vectors of European ideas but also played a role in their translation and acclimatization.<sup>23</sup>

This much-desired modernization was presented as a return to a lost golden age. Reformists sought to reestablish the supposedly pure Islamic practices of the first generations of Muslims and, more broadly, to work toward a restoration of the classical period of Islam, underpinned by a concern for purity and conformity with an ancestral model. They also endeavored to weed out religious practices they saw as deviating from those of their pious ancestors, and justified borrowing elements from the European sciences with the claim that the origins of this technical and scientific domination were to be found in the Arab sciences of the medieval period—a topos that was widespread throughout the Arabic-speaking world and had been taken up by the Mzabi press.<sup>24</sup> As this tension between deliberate modernization and the desire for a return to origins makes clear, the relationship to tradition and its modes of transmission was a vital issue. The reformists’ opponents saw themselves as conservatives (*muḥāfiẓūn*) responsible for preserving (*ḥafaẓa*, the verb from which *muḥāfiẓūn* is derived) the religious and legal tradition with which they claimed to have been entrusted, and which they considered to be under threat. In this sense, *ḥafaẓa*—which also refers to memorizing (*ḥifẓ*) the Quran—was a term with a decidedly positive meaning.

21. Henri Laoust, “Le réformisme orthodoxe des ‘Salafiya’ et les caractères généraux de son orientation actuelle,” *Revue des études islamiques* 6, no. 2 (1932): 175–224.

22. James McDougall, “État, société et culture chez les intellectuels de l’islām maghrébin (Algérie et Tunisie, 1890–1940) ou la Réforme comme apprentissage de ‘l’arriération,’” in *Réforme de l’État et réformismes au Maghreb, XIX<sup>e</sup>–XX<sup>e</sup> siècles*, ed. Odile Moreau (Paris: L’Harmattan/IRMC, 2009), 281–306, here p. 299.

23. As brilliantly demonstrated by Marwa Elshakry, *Reading Darwin in Arabic, 1860–1950* (Chicago: University of Chicago Press, 2013).

24. “Les sciences modernes chez les Arabes,” *Al-Umma*, series published from no. 58 (January 14, 1936) to no. 73 (May 6, 1936).



## The Result of Internal Competition

Modernist discourses need to be resituated within the context of the specific social challenges facing these populations, namely the fierce competition between religious elites over educational and religious institutions, as well as over the prebends that the ulama of the Mزاب had enjoyed since the fifteenth century. It would be more accurate to consider these self-proclaimed conservatives and reformists as disputing kinship groups rather than fundamentally different entities. They might have received similar training, for example, from the same local teachers. In the Mزاب, both groups claimed to be heirs to the same shaykh, Muḥammad Aṭṭfayyish (c. 1820–1914), a great legal scholar who had presided over the fate of the community when it fell under French rule in 1882. In a context of intense competition, a young ulama who claimed the title of reformist (*muṣliḥ*) could vie for religious leadership and join the region's Ibadī institutions—the seven *ḥalqa* (circles, one for each burg)—or even take charge of one. The reformists claimed to be heirs to the Prophet, whom they considered the very first of their number: Muhammad purportedly announced that God would send a reformist every century to help his community live in accordance with his revelation. The fact that their principal opponents, Shaykhs Ḥammū Ibn (son of, hereafter b.) Bāḥmad Bābā ū Mūsā (1863–1957) and Muḥammad b. Bāḥmad al-Sharīf al-Azhārī (1884–1940), were at the time of these debates the respective leaders of the *ḥalaqāt* of Ghardaia and Béni Isguen, the largest burgs in the Mزاب, underlines the power issues at stake. Significantly, the reformist leader 'Umar Bayyūḍ (1899–1981) was only able to gain a foothold in the most peripheral *ḥalqa*, that of Guerrara.

Most Mزاب reformists had experienced a turning point in the 1910s and 1920s upon traveling to Tunis or Cairo, or after meeting ulama who had visited these cities. They subsequently became receptive to new ideas and cultural practices, such as the press through which they disseminated their views, and rejected the epistemological space in which Islamic knowledge (*ilm*) had been embedded since the late Middle Ages. The Arabic-language press flourished in Algeria in the 1920s despite political constraints, providing reformists with the opportunity to pursue careers in journalism—as they had in Egypt over the preceding decades—and to make their voices heard within their community.<sup>25</sup> Two Ibadī scholars, Ibrāhīm Abū al-Yaqzān (1888–1973) and Abū Ishāq Aṭṭfayyish (1886–1965), became involved in publishing and journalism in the mid-1920s, founding printing houses and periodicals in Cairo, Tunis, and Algiers.

The competition between scholars was also linked to the French occupation of the Mزاب. The local colonial administration's reliance on the conservative elite represented an obstacle to the reformists' ambitions. To outflank their rivals,

25. Dyala Hamzah, "Muhammad Rashīd Ridā (1865–1935) or: The Importance of Being (a) Journalist," in *Religion and Its Other: Secular and Sacral Concepts and Practices in Interaction*, ed. Heike Bock, Jörg Feuchter, and Michi Knecht (Frankfurt: Campus-Verlag, 2008), 40–63.

the latter, led by Bayyūd, sought to establish themselves as the principal interlocutors of the central administration in Algiers. In this context, the recourse to reformist rhetoric should also be understood as an attempt to be heard in the colony's French-speaking public sphere as well as its Arabic one. This undertaking was facilitated by the polysemy of the term *islāh*, which could refer both to the ulama's project of Islamic modernization and to political reform in general, and by the fact that from the mid-1930s it was commonly translated as *réforme* in French administrative and political contexts. From 1936 to 1938, under the government of the French Popular Front, it became a veritable slogan for the Mزاب reformists. At a time when reform projects for Algeria and the Maghreb were under constant discussion, these *muṣliḥūn* managed to position themselves as the interlocutors of the colonial administration. This strategy continued after the Second World War and paid off in 1948, when the administration reversed its local alliances and promoted Bayyūd as the region's representative to the Algerian Assembly.<sup>26</sup>

Despite their various disagreements and divergent strategies, both conservative and reformist ulama found themselves confronted with the colonial administration's encroachment on their prerogatives. They thus shared a common concern for defining and delimiting the boundaries of the community of believers, the *umma*, in particular by refocusing on their jurisprudential mission. In the 1880s, the French administration had reorganized the justice system, giving jurisdiction over questions of *statut personnel*—that is, the laws governing the civil status of natural persons—to colonial Ibadi courts.<sup>27</sup> But its appointment of Muslim judges (*qadis*) to these courts divested the ulama of their jurisdictional power (*qaḍāʾ*) and deprived them of any say on procedure or in matters that, in Islamic jurisprudence, pertained to interpersonal relations (*muʾāmalāt*). They therefore concentrated their efforts on their role as legal experts (*muftī*) and on the questions that remained within their purview, namely those related to religious practices and ritual purity (*ibādāt*). This allowed them to continue to exert a strong influence on the community, both despite and within the new framework imposed by colonial domination. Moreover, since the Middle Ages issues concerning relations with non-Muslims had principally fallen within the remit of *ibādāt*—the area of law devoted to ritual matters—to which they thus returned with renewed interest as a means to address the new reality of colonialism.<sup>28</sup>

26. Augustin Jomier, "Un réformisme islamique dans l'Algérie coloniale. Oulémas ibadites et société du Mزاب (c. 1880–c. 1970)" (PhD diss., University of Maine, 2015), chap. 7.

27. As opposed to the *statut réel*, which applied to real property. On Muslim justice in nineteenth-century colonial Algeria, see Allan Christelow, *Muslim Law Courts and the French Colonial State in Algeria* (Princeton: Princeton University Press, 1985); Claude Bontems, *Le droit musulman algérien à l'époque coloniale. De l'invention à la codification* (Geneva: Slatkine, 2014). On the introduction of a colonial justice system in the Mزاب, see Jomier, "Un réformisme islamique dans l'Algérie coloniale," chap. 1.

28. Terem, *Old Texts, New Practices*, chap. 4, shows how, at the turn of the century, Moroccan scholars recycled legal precedent dating back to the Reconquista to conceptualize European domination. On medieval Andalusian thought regarding issues of

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From the 1920s and 1930s, the competition and debates between conservatives and reformists crystallized more around the lawfulness of European products and consumer practices than questions of colonization and an Islamic modernity that chiefly interested the reformists. The ulama borrowed their vocabulary from Islamic jurisprudence (*fiqh*) and more particularly the area concerning relations between humans and God (*ʿibādāt*), which was distinct from that concerning relations between humans themselves (*muʿāmalāt*). They privileged a moral and pastoral approach, which involved questioning a given action's compatibility with the Sunna, understood as the practice of the Prophet Muhammad and the first generations of Muslims. The noun *bidʿa*, translated as “blameworthy innovation,” was used to denounce something going against or departing from the Sunna. Coined in the late seventh century, this term had strong negative connotations: an innovation is blameworthy (*maḍmūma*) unless it is expressly declared praise-worthy (*ḥasana*).<sup>29</sup>

The debates between Mزاب ulama dealt with the “major impurities” (*najis*) and “minor impurities” (*ḥadath*) that endangered the purity (*tuhr*) of believers. Although the latter was individual in nature, it concerned the whole community, as Mary Douglas has shown in relation to other contexts: “We cannot possibly interpret rituals ... unless we are prepared to see in the body a symbol of society, and to see the powers and dangers credited to social structure reproduced in small on the human body.”<sup>30</sup> In other words, the symbolic effectiveness of rituals must be linked to the social structure they protect from the danger of defilement. By describing the conduct that befitted believers, the ulama also sought to define the community over which they officiated. They were more concerned with apprehending and addressing anything that might sully the purity of society than with the fascination or revulsion provoked by one kind of modernity.

Reformists and conservatives addressed the different controversies through a diverse array of media and genres.<sup>31</sup> Reformists used the press and printed media, which considerably extended the reach of their sermons. Turning the genres of religious writing upside down, they opted for shorter formats and more general, moral or didactic forms of expression, integrating new rationales, especially scientific

purity and the relationship to the other, see Justin K. Stearns, *Infectious Ideas: Contagion in Premodern Islamic and Christian Thought in the Western Mediterranean* (Baltimore: Johns Hopkins University Press, 2011).

29. Mohammed Talbi, “Les Bidaʿ,” *Studia islamica* 12 (1960): 43–77.

30. Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge and Kegan Paul, 1966), 115.

31. The press articles used here come mainly from three Arabic-language periodicals: the journal *Al-Minhāj* (*The Way*), published by Abū Ishāq in Cairo from 1924 to 1927, and the weekly newspapers *Wādī Mṣāb* (*The Mزاب Valley*) and *Al-Umma* (*The Community*), edited by Abū al-Yaqẓān—the former in Tunis then Algiers from 1926 to 1929, the latter in Algiers from 1933 to 1938.

ones. Indeed, the debate on blameworthy innovation touched on the very form of religious discourse, since the so-called conservative Ibadi ulama rejected printed media as just that.<sup>32</sup> This group continued to disseminate their ideas in manuscript form, using the scholarly formats abandoned by their opponents—long legal treatises, commentaries, and didactic glosses or versifications. The most emblematic of these was a 1936 treatise written by their leader, Shaykh Ḥammū, entitled *The Resounding Evidence for the Blameworthy Innovations of the Deviant Faction*,<sup>33</sup> in reference to the reformists, whose many errors he intended to expose.<sup>34</sup> Rooted in Islamic jurisprudence (*fiqh*), this text is comparable to early modern Maliki treatises which, essentially built around quotations from earlier authorities, emphasized the fixed nature of religious knowledge and their authors' faithfulness to a given tradition, while still leaving room for creativity in the text's organization and commentary.<sup>35</sup> For Shaykh Ḥammū, the era was characterized not by its modernity but by the deplorable laxness of its youth.<sup>36</sup>

## A Shared Concern: Protecting the Community of Believers

As a community of salvation, the *umma* included all believers. This concept had stronger implications in the Mzab than elsewhere because Ibadi doctrine adjured its members to show solidarity—a requirement that was socially binding, given the Ibadi community's minority status and the Saharan environment. The ulama defined its boundaries by ruling on the lawfulness of customs. Engaging in unlawful practices and using blameworthy innovations was tantamount to committing the sin of impiety (*kufṛ*), or that of associating other deities or idols with God (*shirk*). According to established doctrine, for Ibadi Muslims such transgressions entailed the loss of their status as believers, the renouncement of their association (*walāya*) with the community, and their exclusion from it—if necessary by means of formal excommunication (*barā'a*).

Once the offense had been committed, excommunication was neither automatic nor instantaneous, however. After a period of advice and admonishment, an individual's place in the group was only called into question if their attitude had hardened into something intractable. The burg's imam, usually also the head of its *ḥalqa*, would then solemnly announce the transgressor's excommunication at the mosque. The *barā'a* had multiple legal implications: those affected were stripped

32. Ḥammū b. Aḥmad Bābā ū Mūsā, "Al-ḥujaj al-dāmigha li-bida' al-fi'a al-zā'igha," manuscript, library of Shaykh Ḥammū Bābā ū Mūsā, Ghardaïa, 1936, pp. 21 and 85.

33. Muḥammad b. Mūsā Bābā 'Ammī, ed., *Mu'jam a'lām al-ibādīyya min al-qarn al-awwal al-hijrī ilā al-'aṣr al-ḥāḍir: qism al-Maghrib al-islāmī* (Beirut: Dār al-Gharb-al-islāmī, 2000), 2:124–25.

34. Ḥammū Bābā ū Mūsā, "Al-ḥujaj al-dāmigha."

35. Sami Bargaoui, "'Quando dire è fare,' ovvero come ripetizione giuridica diventa una fonte storica," *Quaderni storici* 129, no. 3 (2008): 593–620.

36. Ḥammū Bābā ū Mūsā, "Al-ḥujaj al-dāmigha," chap. 7.

of civic honorability (*‘adāla*), meaning that they could no longer testify; they lost the right to enter into matrimonial alliance with another member of the community, and were disinherited and denied burial rites. With colonial domination and the imposition of justice administered in the name of France, however, the social effectiveness of the ulama’s word now depended on the credit placed in them by their flock and on the cohesion of the community.

Representations built around blameworthy innovations and the preservation of purity played an essential role in the construction of otherness. The Ibadi ulama defined relationships of solidarity and exclusion. In the space between the power conferred by their status and that conceded by the colonizing power, they had the tools to forge a community distinct from that of the unbelievers—that is, the colonizers—and that of Muslims in a state of hypocrisy (*nifāq*)—non-Ibadi Algerian Muslims, whose faith and practice were deemed incomplete. Otherness was thus constructed and held at bay using the categories of the associator (*mushrikūn*) and the unbeliever (*kuffār*), terms used to refer to Europeans—also referred to as Christians (*al-naṣārā*) or heathens (*al-majūs*)—although, in the heat of a debate, these terms were also sometimes applied to excluded sinful Muslims.<sup>37</sup>

### United in Defense of the Beard

This shared concern for defining the community can be seen in the unanimous proscription of certain bodily practices, such as the shaving of beards. Facial hair was an old question in *fiqh*, rooted in the prophetic tradition.<sup>38</sup> On this point at least, reformists and conservatives were equally strict. Under the influence of the northern colonial cities, the Mزاب’s ulama saw aspects of daily life once regulated by the religious institution slipping out of their control, including habits of dress and the rituals concerning facial hair. Beards, mustaches, and clothing were considered a question of hygiene and aesthetics. Legal experts therefore attempted to assert their authority over these matters, whose stakes were threefold: for believers, it was a matter of individual salvation; for legal experts, one of power; and for the community, one of identity, as these purity rituals both symbolized it as an entity and delineated its perimeter.

Shaykh Ḥammū addressed the subject of facial hair in a chapter of his treatise on the “infringement of prohibitions by today’s youth.”<sup>39</sup> The reformist leader Bayyūḍ also confirmed the compulsory nature of beards in a legal opinion, or fatwa.<sup>40</sup> They both put forward the same arguments. First, wearing a beard was Sunna, a custom of the Prophet and his Companions, to whose image

37. Ibid., 119.

38. Ibid., 111; Mohammed H. Benkheira, *L’amour de la Loi. Essai sur la normativité en islam* (Paris: Presses universitaires de France, 1997), 85–88.

39. Ḥammū Bābā ū Mūsā, “Al-ḥujaj al-dāmigha,” 111–20.

40. Benkheira, *L’amour de la Loi*, 91–92, gives a detailed account of Shaykh Bayyūḍ’s position on facial hair. The fatwa is not dated, but photographs of reformist ulama show them still wearing beards.

Muslims were supposed to conform.<sup>41</sup> A man who shaved could be mistaken for an unbeliever (*kāfir*). Second, Muslims should have an outward appearance that clearly distinguished them from the followers of other religions; the beard allowed them to manifest their difference and assert their Islamic identity. Shaykh Bayyūḍ simply believed that Muslims should mark themselves apart from adherents of other faiths.<sup>42</sup> Ḥammū was more virulent and considered shaving to be blameworthy in that it meant adopting the practices of the French, whom he considered heathens; he quoted a hadith according to which “one who resembles a people belongs to it.”<sup>43</sup>

It was therefore necessary to resist the danger of hybridization, to make the boundary between the *umma* and those who did not belong to it more visible. According to Ḥammū, Muslims should avoid dressing like associators and the ungodly: “Even if the clothes of Christians were better than those of believers, they should not be adopted.”<sup>44</sup> Confronted with the figure of the unclean but dominant foreigner, the ulama of the Mزاب reaffirmed and reconsidered that of the believer in order to limit the danger of contagion. In this way, the barriers they put up were intended as a safeguard against the risk of becoming other. This desire to regulate social change should be linked to the ulama’s sense of guiding the *umma* in a moment of cultural fragility, and to a context in which the expansion of the colonial state’s sphere of action had reduced their legal expertise to little beyond religious matters. By taking hold of such issues, the ulama were building the conditions of a relationship to the other (the colonizer and the non-Ibadi Algerian) that would both prevent a loss of self and guard against the risk of modeling one’s conduct simply in opposition to that other. These debates over the group’s boundaries and the competition for its leadership must be understood not only as a conflict between modernity and tradition, but also within a shared normative framework and as reflecting a common desire to protect a community of the pure.

### Contrasting Social Imaginaries

Faced with the prospect of the community’s pollution, reformists and conservatives nevertheless constructed contrasting social imaginaries and, as a result, underlined their differences. They guided their flocks in different directions, producing two distinct versions of Ibadi society. By wielding Islamic normative tools, they divided the Mزاب into those who felt they could appropriate all or some of the practices followed in the colonial cities of the north—including among Algerians—and those who sought to avoid them at all costs in order to protect the community and its purity.

The innovations brought to the region by colonization or the market economy were instrumentalized in the competition between scholars, and all were subjected to heated debate. In the early 1920s, the conservatives condemned the

41. Ibid., 80.

42. Ibid., 92.

43. Ḥammū Bābā ū Mūsā, “Al-ḥujaj al-dāmigha,” 119.

44. Ibid., 20.



modern press and teaching methods. In the mid-1930s, the electrification of the valley was a cause for concern<sup>45</sup>; the use of the telephone to organize Ramadan was declared a *bid'a*, and prayers performed by the light of an electric lamp were proclaimed invalid.<sup>46</sup> The following decade cinemas were banned, and when a team from the general government's Cinema Service toured the Mزاب in November 1949, the conservative-dominated burgs closed their doors to it.<sup>47</sup> The range of proscribed technologies was vast, from horticulture and palm-tree grafting all the way to medication, vaccination against tuberculosis, and the medical practices of Europeans.<sup>48</sup>

Shaykh Ḥammū, like others who saw themselves as conservatives, had a maximalist vision of purity and its protection. To him, the issue was not about discerning which customs or objects should be adopted or rejected, nor which non-Ibadis should be frequented or excluded; it was not just that the products of the associators (*mushrikūn*) were impure, but that the associators themselves were so intrinsically defiled that ablutions could not purify them: "The fact that they wallow in associationism (*shirk*) is an impurity. [They] are themselves an impurity (*jans*), like dogs and pigs. Even if they performed the major ablution, they could not excise the impurities (*al-anjās*). ... They must therefore be avoided, as we avoid impurities."<sup>49</sup> It was forbidden to imitate these associators, namely Europeans and all those—Muslim Algerians included—who frequented them or adopted their habits. Citing the ban on alcohol and tobacco consumption, Ḥammū extended it to proscribe frequenting those who indulged, for fear of becoming like them.<sup>50</sup> The conservatives thus rejected both the factors of impurity and the symbols of an alienation from Ibadī tradition.

The community of believers as defined by conservative jurisprudence excluded those Algerians who were not considered worthy of being called Muslims. This desire to form a small group of Ibadis faithful to the strictest orthopraxis went together with the conservatives' rejection of Sunni and Ibadī reformists' attempts at interdenominational rapprochement (*taqrīb*), including participation in the activities of the country's principal reformist institution, the Association of Algerian Muslim Ulama (*Association des oulémas musulmans algériens*).<sup>51</sup> The lawfulness of all

45. Rome, Archives des missionnaires d'Afrique (hereafter "AMA"), file 41, register 5 (1930–1945), August 5, 1936; "L'éclairage électrique au Mزاب," *Al-Umma* 29 (June 18, 1935), 3.

46. Louis David, "Le Mزاب hier et aujourd'hui," CCDS, doc. X-94, p. 2.

47. Aix-en-Provence, Archives nationales d'outre-mer (hereafter "ANOM"), Oasis 93/391, *bulletin de renseignements mensuel*, November 1949; ANOM, Oasis 96/260, *bulletin de renseignements mensuel*, November–December 1949.

48. AMA, file 41, register 4 (1917–1930), August 14, 1929.

49. Ḥammū Bābā ū Mūsā, "Al-ḥujaj al-dāmigha," 104.

50. *Ibid.*, 57–58.

51. Amal N. Ghazal, "Seeking Common Ground: Salafism and Islamic Reform in Modern Ibadī Thought," *Bulletin of the Royal Institute for Inter-Faith Studies* 7, no. 1 (2005): 119–41; Ghazal, *Islamic Reform and Arab Nationalism: Expanding the Crescent from the Mediterranean to the Indian Ocean (1880s–1930s)* (London: Routledge, 2010); Charlotte Courreye, "L'Association des oulémas musulmans algériens et la construction de l'État



common European consumer products, suspected of containing unlawful ingredients, was problematic. Shaykh Hammū devoted a chapter of his treatise to the blameworthy innovations of the Mزاب reformists, who gave their permission (*ibāḥa*) to use goods produced by associators.<sup>52</sup> He refuted the legality of candles, perfumes, oils, and soaps and accused reformists of declaring lawful products they knew to be “alcohol-based.” On the contrary, it was believers’ imperative duty (*wujub fardān*) to avoid (*ijtināb*) “things whose purity and lawfulness is not known with certainty.”<sup>53</sup> Under Sunni norms the reverse would have been true: a product whose status was uncertain would have been lawful. The conservatives were thus particularly restrictive, and their desire to preserve the integrity of the community through jurisprudence and the specificities of Ibadi doctrine were mutually reinforcing.

## The “Telephone Affair”

The debates between conservatives and reformists did not oppose an archaic Islam and an evolving Islam but rather two ways of conceptualizing the new: the ritual and legal vision of the conservatives, whose rationale needs to be reconstructed, and that of the reformists, often interpreted as modernist but above all pastoral and polemical. This discrepancy is strikingly illustrated by a controversy that began in 1930, concerning the use of telephones to announce the appearance of the crescent moon and set the dates for Ramadan. The Islamic calendar is lunar: a month begins with the appearance of the new moon, either one or two days after the disappearance of the previous one. This “day of doubt” was especially important in the ninth month, Ramadan, which is the month of fasting. If the crescent appeared to two witnesses on the twenty-ninth day of the preceding month, then fasting could begin the next day; otherwise it had to wait until the following morning. This doubt was also present at the end of Ramadan, when it had to be determined whether the fast would end on the twenty-ninth or thirtieth day. Ways of observing the moon (*ru’yat al-hilāl*) had been discussed in legal textbooks since the Middle Ages.<sup>54</sup> Technological innovation revived these debates, questioning the validity of using information received over the telephone to set fasting dates.

The affair began when Bayyūḍ, leader of the region’s reformists, announced in a fatwa that it was lawful to use the telephone to communicate the moon’s appearance and determine the beginning or end of fasting.<sup>55</sup> The following year,

algérien indépendant. Fondation, héritages, appropriations et antagonismes (1931–1991)” (PhD diss., Université Sorbonne Paris Cité/INALCO, 2016).

52. Hammū Bābā ū Mūsā, “Al-ḥujaj al-dāmigha,” 63–65.

53. Ibid., 63.

54. Joseph Schacht, “Hilāl,” in *Encyclopaedia of Islam*, 2nd ed., [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_0287](http://dx.doi.org/10.1163/1573-3912_islam_COM_0287).

55. Jam’iyyat qudama’ al-Talamidh, *Bayān fī-l-khilāf al-wāqī’ bayn al-islāh wa khaṣūmiyya bi’āṣimat Mīzāb (Ghārdāiya) fī mas’alat al-ṣawm wa-l-iftār* [“Insight into the continuing

Shaykh al-Sharīf issued a fatwa declaring that this practice was on the contrary unlawful. On April 11, 1932, together with fellow conservative leader Shaykh Ḥammū, he convened a council of ulama, which concluded that the use of telephones to set the date for breaking the fast was indeed unlawful. The council ruled the telephone to be a blameworthy innovation; those who used it were to be excommunicated from the community of Ibadi believers.<sup>56</sup>

The episode had such a strong social impact that it divided the population for more than two decades: reformist and conservative partisans clashed over incidents that sometimes became violent, and both groups fasted in a disorderly fashion until the 1950s. The rift was such that contemporaries dubbed it “the telephone affair” (*mas’āla*) and “the discord” (*fitna*)—a reference to the inter-Muslim war over the successor to ‘Uthmān, the third caliph, used by extension to refer to any division within the *umma*. The debate polarized the divide between self-proclaimed reformists and conservatives, providing an opportunity for each to assert their doctrinal authority and seek to demonstrate their ability to unite the population. While the dialogue between ulama played out in the mosques and teaching spaces, as well as through the written word, the controversy also spilled over into the public sphere. It affected all the Ibadi towns, pitting competing fasting and non-fasting groups, scholarly or otherwise, against one another.<sup>57</sup>

## Opposing Legal and Pastoral Rationales

The rationale of those opposed to using telephonic information to set the Ramadan calendar was based on the normative framework that had developed around ritual practices (*‘ibadāt*) and giving testimony (*shahāda*), the supreme mode for presenting evidence in Islam.<sup>58</sup> In his treatise, Shaykh Ḥammū approached these issues from the perspective of a legal expert: he supported his arguments with textual sources, the Quran, and the Sunna, as well as legal precedents carrying authority in Ibadism, to which he added, if they were concordant, the opinions of non-Ibadis.

Like his reformist opponents, Ḥammū used analogy to understand novelty. He sought out examples in norms and legal precedents that could inform his understanding of the status of telephonic information.<sup>59</sup> Using the telephone interfered with the giving of testimony, a key concept in Islamic normativity. According to

divergence between the reform and its opponents in the capital of the Mزاب (Ghardaïa) on the issue of start and end of fasting”] (Algiers: Maṭb‘a al-‘arabiyya, 1952).

56. “La question du jeûne et de sa rupture annoncée par téléphone: l’exagération vous mène loin, ô, vous qui attaquez brutalement au nom de la religion!” *Al-Umma* 60 (January 28, 1936): 1; “Autour de l’affaire du jeûne et de sa rupture par téléphone, suite,” *Al-Umma* 62 (February 11, 1936): 1.

57. For a comparable case in Sunni northern Algeria, see James McDougall, “La mosquée et le cimetière. Espaces du sacré et pouvoir symbolique à Constantine en 1936,” *Insaniyat. Revue algérienne d’anthropologie et de sciences sociales* 35, no. 36 (2007): 79–96.

58. Rudolph Peters, “Shāhid,” in *Encyclopaedia of Islam*, 2nd ed., [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_6761](http://dx.doi.org/10.1163/1573-3912_islam_SIM_6761).

59. Ḥammū Bābā ū Mūsā, “Al-ḥujaj al-dāmigha,” 9–36.

established rules, only the direct oral testimony of at least two male witnesses (or one man and two women) of good reputation (*ʿadl*) and in a state of ritual purity could confirm the appearance of the moon. Faced with the challenge posed by the telephone, Ḥammū invoked precedents ruling on the value of the testimony of absent, invisible, and unidentifiable persons. He examined cases of testimony given by a hidden (for instance, veiled) woman, a blind man, and an unidentifiable or absent person. He also scrutinized the parallels—questionable in his view—that the reformists had established between the telephone and other forms of oral transmission. His casuistry is laid out across twenty-eight pages, and includes marginal notes as well as further detailed analogies, such as that based on the testimony of the wives of the Prophet Muhammad, or that of a blind notary (*ʿādil*). He also evoked opinions issued by scholars from Oman, a sultanate whose large Ibadi community maintained ties with the Maghrebi Ibadis.<sup>60</sup> Finally, he cited Egyptian and Tunisian Sunnis, such as the famous Muḥammad al-Tāhir b. ʿAshūr (1879–1973), head of Tunisia’s religious hierarchy, who had issued a fatwa condemning the announcement of fasting dates on the radio. Ḥammū thus followed a classic procedure, accumulating authoritative evidence to justify and assert—vehemently and with plenty of insults—his point of view.

According to Ḥammū, a number of points invalidated telephonic information and prevented it from bearing the value of testimony. It was particularly problematic in terms of three essential criteria for the admissibility of testimony, namely how to identify the caller and, by extension, verify their reputation and state of ritual purity.<sup>61</sup> Seeking to be exhaustive, the shaykh went so far as to examine the validity of an analogy, supposedly drawn by the reformists, between telephonic information and revelations received from God or angels by successive prophets, where the latter were presumably unable to see or recognize the former. Reading these arguments, it seems clear that what was at stake was not in fact modernity and the artifacts it produced. Shaykh Ḥammū was by no means incapable of conceptualizing these new issues; what mattered most for him was situating the problem within an Islamic normative and epistemological framework, a framework that was certainly being disrupted, but whose validity was not, in his view, being called into question. Telephonic information and, more generally, changes in communications and new forms of identification represented a challenge to Islamic legal procedures.<sup>62</sup> It was not that conservative legal experts did not know what to make of

60. Ghazal, *Islamic Reform and Arab Nationalism*; Jomier, “Les réseaux étendus d’un archipel saharien.”

61. In the Egyptian and Syrian cases, great significance was given to determining the status of the operator and the instrument, assessing their reliability, and the operator’s religious denomination: Skovgaard-Petersen, *Defining Islam for the Egyptian State*, 89–95. On the importance of testimony in the production of evidence in *fiqh*, see Baber Johansen, “Formes de langage et fonctions publiques. Stéréotypes, témoins et offices dans la preuve par l’écrit en droit musulman,” *Arabica* 44, no. 3 (1997): 333–76.

62. Brinkley Messick, “Evidence: From Memory to Archive,” *Islamic Law and Society* 9, no. 2 (2002): 231–70.

these innovations; their fight was more against the reformists disputing established procedures than against the technologies themselves.

Beyond questions of the value of modernity, this casuistry implied the defense of three procedural points, fundamental to Shaykh Ḥammū's efforts to enforce a normativity considered a sacred revelation. First, he argued that establishing the fasting calendar was a ritual problem (pertaining to *ibadāt*) and therefore could only be examined within the framework of the *fiqh* devoted to ritual matters, thus invalidating part of the reformists' argument. Second, he sought to demonstrate that telephonic information did not have the status of testimony but that of "general information" (*khabar 'ām*), and thus had no legal or binding value. Third, he tried to prove the procedural invalidity of his opponents' recourse to *ijtihād*—that is, the interpretative effort by which a legal expert seeks to establish law on the basis of founding texts. His criticism was particularly directed at their use of analogical reasoning (*al-qiyās*).<sup>63</sup> Along with the Quran, the Sunna, and consensus among legal experts (*ijma'*), analogical reasoning was one of the four sources from which experts deduced the norms of *fiqh*. Shaykh Ḥammū accused the reformists of acting arrogantly and of claiming to conduct *ijtihād* despite their insufficient training and a serious flaw in their methodology: they were, in his view, unnecessarily arguing over points that had already been settled either by clear statements in the Quran and the Sunna or by the consensus (*ijma'*) of their illustrious predecessors. Ḥammū therefore considered that they were deviating from established legal methodology (*uṣūl al-fiqh*) and concluded: "It is forbidden to listen to the sophistry and philosophy of those who in their audacity violate sacred legal rules with their analogical reasoning."<sup>64</sup> He was above all taking a stand against the reformists to defend a system of norms and values that, far from being sclerotic, he considered capable of protecting the community and ensuring its salvation.

Ḥammū's reasoning clearly shows that there was no lack of legal precedents, concepts, and tools for conceptualizing the new. If his principal reference was the great nineteenth-century legal scholar Muḥammad Aṭṭfayyish, he did not merely reiterate the latter's opinions but added those of other scholars and, above all, used *fiqh* to interpret the world around him. For example, he elaborated moral arguments on the use of the telephone, the potential for misunderstandings if someone's voice were to be impersonated, and its unsuitability to contractual relations requiring trust between traders.<sup>65</sup> Freely resorting to a socioeconomic argument, the shaykh also pointed out that God could not require believers to use an expensive innovation like the telephone. Just as the pilgrimage to Islam's Holy Places was required only of the rich, the use of the telephone to set the Ramadan calendar was necessarily conditioned by believers' means.<sup>66</sup> If we refuse to see this element of creativity in the conservatives' jurisprudential production, and their attachment

63. Bernard G. Weiss, *The Spirit of Islamic Law* (Athens: University of Georgia Press, 1998), 201.

64. Ḥammū Bābā ū Mūsā, "Al-ḥujaj al-dāmigha," 6.

65. Ibid., 12 and 19.

66. Ibid., 26.

to reasoning techniques perceived to be sacred, then teleologically we are taking sides in the quarrel between them and the reformists. Hammū's treatise embodies positions that have been dismissed as archaic since the triumph of the reformists' modernist discourse. However, his rejection of the use of the telephone to set the fasting calendar is a testament to the vitality of this legal tradition and his creative relationship to it.

### Being of One's Time, or Dismissing the Conservatives

The reformists did not use the same framework as the conservatives to develop their arguments. Instead, they shifted the problem, proposing that Islamic ritual life and normativity be adapted to modernity—a radical stance that explains the vigor of the debate. Reformist sources on the telephone affair consist essentially of a long open letter in which Bayyūḍ addressed Shaykhs al-Sharīf and Ḥammū, published in serial form from January to March 1936 in the newspaper *Al-Umma*, one of the eight periodicals founded by Abū al-Yaqqān between 1926 and 1938.<sup>67</sup> Both the content and the form of this series of articles clearly signaled a profound formal, methodological, and ideological break on the part of the reformists, and their refusal to engage in a substantive dialogue with their opponents.

Bayyūḍ emphasized the need for an effort of interpretation (*ijtihād*) that was “of its time,” adapted to the context, and of “public benefit.” The latter was a legal concept originating in the medieval period, reinterpreted and mobilized by reformist thinkers such as the Syrian scholar Rashīd Riḍā (1865–1935), who lived in exile in Egypt.<sup>68</sup> Finding that the reproduction of past legal opinions as advocated by Ḥammū was not a solution, Bayyūḍ proposed a change in methodology. However, he did not consider his position to be novel, and presented it as a return to origins. He claimed that the pious ancestors had “put things in their context ... and dress[ed] each case according to its own clothes,”<sup>69</sup> a good practice from which the ulama had, in his opinion, deviated over time.

67. “La question du jeûne et de sa rupture annoncée par téléphone: lettre ouverte du cheikh Bayyūḍ au Ḥājj Muḥammad b. Bāḥmad al-Sharīf al-Azharī,” *Al-Umma* 58 (January 14, 1936): 1–2; “La question du jeûne et de sa rupture annoncée par téléphone: l'exagération vous mène loin, ô, vous qui attaquez brutalement au nom de la religion!” *Al-Umma* 60 (January 28, 1936): 1; “La question du jeûne et de sa rupture annoncée par téléphone: lettre ouverte du cheikh Bayyūḍ au Ḥājj Muḥammad b. Bāḥmad al-Sharīf al-Azharī, suite,” *Al-Umma* 61 (February 4, 1936): 1–2; “La question du jeûne et de sa rupture par téléphone, suite,” *Al-Umma* 62 (February 11, 1936): 1; “Appel à l'entente sur la question du jeûne et du téléphone,” *Al-Umma* 65 (March 3, 1936): 3.

68. Felicitas Opwis, “*Maṣlaḥa* in Contemporary Islamic Legal Theory,” *Islamic Law and Society* 12, no. 2 (2005): 182–223; Dyala Hamzah, “L'intérêt général (*maṣlaḥa 'amma*) ou le triomphe de l'opinion. Fondation délibératoire (et esquisses délibératives) dans les écrits du publiciste syro-égyptien Muḥammad Rashīd Riḍā (1865–1935)” (PhD diss., EHESS/Freie Universität, 2008).

69. “La question du jeûne et de sa rupture annoncée par téléphone,” *Al-Umma* 61 (February 4, 1936): 1–2.

Bayyūḍ gave a further justification for changing the ways in which *ijtihād* was employed: using telephonic information to set fasting dates did not affect “the foundations of belief (*uṣūl al-ʿaqīda*), nor religious requirements (*ḍarūriyāt al-dīn*).”<sup>70</sup> The underlying idea was to restrict the scope of the strict rules of *fiqh* to an area defined as religious, in order to open up wider possibilities for interpretation.<sup>71</sup> Bayyūḍ argued strongly for making necessary adaptations in the application of the law while leaving intact its principles and the “foundations of belief” (*uṣūl al-ʿaqīda*), thus making it possible to, among other things, “adapt to the achievements of modern science.”<sup>72</sup> He adopted an approach that was more pastoral than legal, offering accessible versions of theological arguments, shifting the focus away from legal discussions, and avoiding the technical debate into which his opponent’s arguments tried to draw him.

For Bayyūḍ, practice informed the law, and he claimed that the Ibadis were in fact already following his lead. He had received several letters from coreligionists who had used information received over the telephone to set the fasting calendar and deemed this practice lawful.<sup>73</sup> It was also becoming widespread among Algerian Sunnis under the influence of their principal reformist organ, the Association of Algerian Muslim Ulama. Its president, ʿAbd al-Ḥamīd b. Bādīs (1889–1940), called on the readers of the magazine *Al-Shihāb* (*The Meteor*) to telephone or telegraph him if they saw the crescent moon, describing it as a “religious duty.”<sup>74</sup> Bayyūḍ did not justify his recourse to interpretation (*ijtihād*) with analogies (*qiyās*) or by citing the absence of legal precedent, whether in the form of textual references (*naṣṣ*) or consensus (*ijmāʿ*). Instead, he pointed to their inadequacy in this case, which needed to be arbitrated in context. Like many reformists, Bayyūḍ was less a legal expert than an editorialist who injected religious and legal concepts into the press—if necessary by distorting them—and thereby set the terms of public debate.<sup>75</sup> He transformed

70. “La question du jeûne et de sa rupture annoncée par téléphone,” *Al-Umma* 58 (January 14, 1936): 1–2.

71. One might see echoes here of the conception of *ijtihād* developed by the Syrian Rashīd Riḍā, in Henri Laoust, *Le califat dans la doctrine de Raṣīd Riḍā* (Paris: A. Maisonneuve, 1986), 153–55. For a summary, see Wael B. Hallaq, *Sharīʿa: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 443–50 and 500–508.

72. “La question du jeûne et de sa rupture annoncée par téléphone,” *Al-Umma* 58 (January 14, 1936): 1–2; “La question du jeûne et de sa rupture annoncée par téléphone: l’exagération vous mène loin, ô, vous qui attaquez brutalement au nom de la religion!” *Al-Umma* 60 (January 28, 1936): 1.

73. “La question du jeûne et de sa rupture annoncée par téléphone: l’exagération vous mène loin, ô, vous qui attaquez brutalement au nom de la religion!” *Al-Umma* 60 (January 28, 1936): 1.

74. “Le soin à porter à la lune de ramadan et à la preuve de son apparition,” *Al-Shihāb* 11, no. 9 (Decembre 1935): 543–44, cited by Annick Lacroix, “Une histoire sociale et spatiale de l’État dans l’Algérie colonisée. L’administration des postes, télégraphes et téléphones du milieu du XIX<sup>e</sup> siècle à la Seconde Guerre mondiale” (PhD diss., ENS Cachan, 2014), 1:653.

75. Dyala Hamzah, “La pensée de ʿAbduh à l’âge utilitaire. L’intérêt général entre *maṣlaḥa* et *manfaʿa*,” in *Modernités islamiques*, ed. Maher al-Charif and Sabrina Mervin (Damascus: Institut français du Proche-Orient, 2006), 29–51.



the figure of the Muslim scholar by hybridizing it with those of other cultural authorities—journalist, printer, man of letters, political activist—mobilizing new genres for his discourse while also minimizing certain repertoires of cultural and normative regulation, starting with jurisprudence (*fiqh*).<sup>76</sup>

Generally speaking, the reformists avoided engaging in actual dialogue. They wielded modernity as an authoritative argument to discredit self-proclaimed conservatives, whom they caricatured as fossils (*al-jāmidūn*) responsible for the country's "decadence." In April 1936, for example, the newspaper *Al-Umma* denounced the "social evil" represented by "the stagnation of the ulama and its influence on the public spirit": "opponents of progress and its achievements, they are also against reform and its ability to bring Islamic precepts up to date. They pull their audience back to the Middle Ages." The article listed as evidence of their inertia the innovations they had proscribed:

*schools are harmful because they seek to replace the mosques; using blackboards for religious education is a blameworthy innovation; sport is a despicable practice ... ; singing patriotic hymns is a mortal sin; newspapers are gossip, reading them is unlawful ... ; using telephones is a blameworthy innovation because the Prophet did not do so.*<sup>77</sup>

Reformists evaluated their society in terms of a form of social Darwinism shaped by their reading, in the Arabic-language press, of summaries, translations, and more or less free interpretations of Charles Darwin.<sup>78</sup> According to this vision, reform was a necessity and their opponents, ill adapted to evolution, had condemned themselves to extinction. In June 1936, a text entitled "Proposals on Reform [*iṣlāḥ*] and Innovation [*tajdīd*]" was published in *Al-Umma*, arguing that change was essential to life and that rejecting it was tantamount to death. The law of evolution prevailed above all, and leaders had to act accordingly and guide their people toward change<sup>79</sup>:

*Such is the case of the moribund peoples who have strayed from education; they ask for their share in life but are offered only the cup of woe and suffering; they have fallen prey to lions, wolves, and even foxes. This is where the evolution of ignorance leads. Such are its disastrous consequences, which will not change unless God changes the face of the world or humankind stands up and takes action. They will then charge into battle against ignorance and destroy its damaging influence.*<sup>80</sup>

76. On the increasing complexity of cultural authorities in the interwar Arab world, see Anne-Laure Dupont and Catherine Mayeur-Jaouen, "Monde nouveau, voix nouvelles. États, sociétés, islam dans l'entre-deux-guerres," *Revue des mondes musulmans et de la Méditerranée* 95–98 (2002): 9–39.

77. "Vous les reconnaissez à leur logique: la stagnation des oulémas et ses effets sur l'esprit public," *Al-Umma* 71 (April 21, 1936): 1.

78. Elshakry, *Reading Darwin in Arabic*.

79. "Propos sur la réforme et l'innovation. Les principes de la vie," *Al-Umma* 79 (June 16, 1936): 3.

80. "Peut-on créer une faculté de sciences religieuses en Algérie?" *Al-Umma* 46 (October 5, 1935): 3.



Thus caricatured as the proponents of an old world, conservatives were denied the right to respond. The reformists' version of modernity was not an absolute: it emerged as it was wielded against their opponents.

What was the outcome of these three decades of fighting over “blameworthy innovations”? Shaykh Ḥammū's repeated issuing of prohibitions certainly raises doubts about their effectiveness. Before their influence began to wane in the late 1940s, prohibitions and excommunications nevertheless remained binding. In the seven burgs of the Mزاب, at different cadences between the 1940s and 1960s, challenges to the conservatives' religious authority gained such momentum that their decisions became obsolete. From the 1960s, recourse to excommunication became much rarer and the testimony of European observers suggests that most religious scruples about innovation had been overcome. Nevertheless, the social impact of these events left a lasting rift in Mزابi society, a large part of which followed—and still follows, although its meaning has changed—a so-called conservative religious authority.<sup>81</sup> Access to innovations for those who identified as conservatives followed a specific timeline and specific modalities—the Ghardaïa mosque, for example, was not electrified until the 1970s. Conversely, one can legitimately ask whether reformists were merely endorsing an unstoppable flood, in an attempt to tame it post factum. Changes in the living conditions of a part of the Mزاب's population had been accelerating since the interwar period. New infrastructure and the economic development of the region—which in the 1950s became the largest commercial center and road hub of the central Sahara—as well as significant migration to the cities of the north, led to new cultural experiences and social upheaval.

Beyond the question of lifestyles and consumption practices, these developments call for a reflection on how the societies of the colonial Maghreb and the sources they produced are approached in historiography today. The scholarly debates discussed here propose an alternative to the short-sightedness to which historians have been condemned by colonial sources and the historiography they engender: the writings of the Ibadi ulama shed light on a relatively unknown aspect of the Maghreb's colonial history and reveal that, contrary to what is suggested by the narrative of cultural resistance to colonization, these actors neither rejected European modernity outright nor simply perpetuated earlier practices.

For those who seek them out, the Maghreb abounds in public and private sources of many kinds, from ego-documents and correspondence to literary texts and legal and notarial records. Mainly in Arabic, they offer alternatives to the European sources that have so dominated the historiography. Nevertheless, until

81. Today, belonging to the conservative camp essentially means rejecting attempts at rapprochement (*taqrīb*) with the Sunni majority and complying with the legal opinions of “conservative” shaykhs. These concern, among other matters, the schooling of children (girls and boys) and practices related to clothing and hair. Since the interwar period, Ibadi authority in the Mزاب has become further fragmented and authority figures have multiplied.

the first half of the twentieth century the majority of the region's scholars were actors in the religious field, meaning that Islam held a prominent place in their rationales and grammars of action. If we are to properly understand these rationales, imperial and colonial historiographies need to be brought into dialogue with the research produced by Islamic and area studies: though Arab and Islamic studies often focus on the classical centuries, they are nonetheless indispensable for grasping the complexity of the modern period. Sources linked to Islamic normativity highlight the renewal taking place in Maghrebi societies, their internal complexity, and the conflicts coursing through them under colonial rule. The battle over blame-worthy innovations reveals how these colonized subjects marked themselves out, socially and culturally, from both Europeans and the majority of Algerians.

However, these Islamic sources cannot be used to write a “symmetrical” history, nor one in “equal parts”<sup>82</sup>: linguistic differences here are not the sign of hermetically separate discourses, nor of “distinct historicities.”<sup>83</sup> On the contrary, the Popular Front in France and the debates it provoked also played their part in reconfiguring religious discourse and local leadership in North Africa. We must therefore seek to reconstruct the complexity and entanglement of colonial-era historicities, recognizing that colonial studies alone cannot fully grasp the social and cultural history of the Maghreb and of Maghrebis under colonial rule.<sup>84</sup> While it was colonization that opened up the Mzab to European products and disrupted the social role of its scholarly elites, the region's inhabitants were at the intersection of wider influences and were not only reacting to the colonial situation—especially given that many of them had only limited interactions with the French authorities and their host of local auxiliaries.

In return, the episodes recounted here can tell us a great deal about twentieth-century Islam and how to approach it. We need to move beyond the question of a religion or a society's adaptability to modernity—a term that in any case lacks substance unless set within a context of social and political competition. This perspective, which sees Muslim actors as adhering to or opposing modernity through their practices and discourses, is incomplete and partly teleological. Elevating modernity as a category of analysis leads historians to repeat the “denial of coevalness”<sup>85</sup> perpetrated by reformist and European actors against the colonized, while focus on this subject obscures the other debates in which colonized populations were engaged. More generally, and as American critics of secularization theories have argued, we would do well to be wary of the unconscious biases of the early twentieth-century social sciences, the product of an era that hierarchized societies

82. Romain Bertrand, *L'histoire à parts égales. Récits d'une rencontre Orient-Occident, XVI<sup>e</sup>–XVII<sup>e</sup> siècle* (Paris: Éd. du Seuil, 2011), 14.

83. Raphaëlle Branche, “‘Au temps de la France’. Identités collectives et situation coloniale en Algérie,” *Vingtième siècle. Revue d'histoire* 117, no. 1 (2012): 199–213.

84. An observation also made in Grangaud and Oualdi, “Tout est-il colonial dans le Maghreb?” See also Jean-Frédéric Schaub, “La catégorie ‘études coloniales’ est-elle indispensable?” *Annales HSS* 63, no. 3 (2008): 625–46.

85. Johannes Fabian, *Time and the Other: How Anthropology Makes Its Object* (New York: Columbia University Press, 1983).

and often complicit with the colonial enterprise.<sup>86</sup> This is not a call to open the Saidian trial of Orientalism yet again,<sup>87</sup> but it is a plea for caution in the use of the conceptual tools we have inherited from this moment.

Islam as an object of study is marked by colonial confrontation. Like the battle over innovations, the puritan turn is very much linked to the way in which predominantly Muslim societies responded, and are still responding, to Western imperialism. The scholarly elite sought to remain pure and maintain the integrity of their community in times of cultural insecurity and political domination. This, combined with the effects of state intervention in the religious sphere, led to a reconfiguration of their social role and discourse. In many respects, Islam is a postcolonial religion. Posed here in terms of Ibadi normativity, the question of individual purity and of community boundaries also agitated the Sunni majority, and is still central today to issues often understood *ad extra* in terms of modernity and adhesion to (or rejection of) the emancipatory principles of a republic. A multitude of interpretations and rationales were simultaneously at work, all striving to make sense of the world. Various discourses produced by situated actors unfolded, clashed, and intertwined. Far from the caricature, modern Islam thus appears as a space of debate, a “discursive tradition”<sup>88</sup> in which orthodoxies are constantly discussed and negotiated by actors, Muslim or otherwise. In turn, this discursive space also acts as a cultural grammar in the social world, through which the actors who draw on it build their individual and collective identities.<sup>89</sup>

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86. Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003).

87. Edward W. Said, *Orientalism* (New York: Pantheon Books, 1978).

88. Talal Asad, *The Idea of an Anthropology of Islam* (Washington: Center for Contemporary Arab Studies, Georgetown University, 1986).

89. Ahmed, *What Is Islam?*