

THE RELIGIO-POLITICAL ATTITUDE OF THE
SHAYKH RASHĪD RIDĀ IN RESPONSE TO
THE FRENCH AUTHORITY IN TUNISIA BY
THE COLONIAL TIME
(A Case Study on the French Law of Naturalization
through Rashīd Ridā's *Fatwā*)

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ملخص

من الخطاء الاعتقاد بأن الفتوى يخلو دائما من العناصر السياسية، إنه كثيرا ما يرتبط بها مثلا في عهد الاستعمار. هذه الظاهرة وجدناها في فتوى رشيد رضا -عالم ديني وسياسي في نفس الوقت- الذي أصدره لطلب قدمه حزب الدستور التونسي الوطني تحت رئاسة عبد العزيز الثعالبي في عهد الاستعمار الفرنسي حيث لا يخلو منها.

كان هذا الفتوى يشكل استجابة الشيخ رشيد رضا، و في نفس الوقت موقفه الديني والسياسي من قانون التجنيس الفرنسي الجاري للذين سكنوا في تونس بتاريخ العشرين من ديسمبر ١٩٢٣. وكان يحتوي على عنصر الدعوة السياسية حيث وجه الى المسلمين التونسيين أكد فيه أن الذين يقبلون الجنسية الفرنسية من المسلمين التونسيين يعتبرون مرتدين وذلك بناء على واقع أن المسلم الذي يقبلها يفضل قانون فرنسا التجنيسي على شريعة الله. فلا شك أنه يمنعهم من قبول الجنسية الفرنسية.

وفيما يتصل بمصالح المسلمين التونسيين ألزمهم رشيد رضا للحفاظ جنسيتهم الإسلامية وهذا الجرد رغبته في أن تقوم الخلافة الإسلامية من جديد وليس نظام

الحكومة الفرنسية وهذا طبيعي لأنه يريد أن تجرى الشريعة الإسلامية، وليس قانون
فرنسا التجنيسي، في حياتهم.

Abstrak

Adalah suatu kekeliruan bila ada asumsi bahwa fatwa selalu lepas dari muatan-muatan politik. Fatwa sering terkait dengan masalah politik, misalnya di masa kolonial. Fenomena ini ditemukan pada fatwa yang dikeluarkan Rasyid Rida, seorang ulama sekaligus politikus, atas permohonan Partai Nasional Tunis pimpinan Abd Al-'Aziz As-Sa'alibi yaitu Partai Dustur, yang tidak lepas dari muatan-muatan politik.

Fatwa ini merupakan respon Rasyid Rida, sekaligus sikap religius politiknya, terhadap Hukum Naturalisasi Perancis yang diberlakukan untuk mereka yang tinggal di Tunisia pada tanggal 20 Desember 1923. Fatwa ini bermuatan dakwah politik yang ditujukan kepada orang-orang Islam Tunisia. Ia menegaskan dalam fatwanya bahwa orang-orang Islam yang menerima kewarganegaraan Perancis adalah murtad. Hal ini disebabkan oleh kenyataan bahwa orang Islam yang menerima tawaran itu berarti mengutamakan Hukum Naturalisasi Perancis dari pada Hukum Allah. Maka, tentu, Rida melarang untuk menerima tawaran kewarganegaraan Perancis itu.

Berkaitan dengan kepentingan orang-orang Islam Tunisia, Rida mengharuskan mereka untuk menjaga kewarganegaraan Islamnya. Hal ini semata-mata karena obsesi Rida untuk menegakkan kembali sistem pemerintahan *khilafah*, bukan sistem pemerintahan Perancis. Hal ini wajar karena ia menginginkan berlakunya *syari'ah*, bukan Hukum Naturalisasi Perancis, dalam kehidupan mereka.

"In Islam, sovereignty belongs to God, and in Islamic history the caliph/sultan ruled over the Islamic community in accordance with *shari'a* (Islamic law) based on the *Qur'an* and the *sunna* (the tradition of the prophet Muhammad). Muslims, as subjects of the rulers, had duties defined by Islamic concepts rather than rights acquired as members of political community". However, in 1869 the Ottoman government, in its efforts to provide a viable ideology for the unity of the empire and to curb the interference of European powers and Russia in its domestic affairs, issued the

law of nationality and naturalization. Article 1 of the law stated that all individuals born to an Ottoman father and mother, or only to an Ottoman father are Ottoman subjects. Article 2 provided that all individuals born in Ottoman territories to parents of foreign nationality can, at the age of majority, claim Ottoman nationality".¹

Given the description, the concept of citizenship was, by the nineteenth century, already acquainted amongst Muslims, in particular under the Ottoman empire. However, the concept could not be smoothly accepted by Muslims in other Islamic lands. An instance for that was the case of the Law of Naturalization, in which a naturalized person would automatically acquire a French citizenship, issued by the French government in early twentieth century for Tunisian Muslims. There lied mostly legal reasons for the rejection of the offered French citizenship. However, due to the fact that Tunisian Muslims was, by the time, under French protectorate, political reasons should be taken into consideration. Both legal and political reasons can be seen from the *fatwā* (legal opinion) of Rida² entitled *Tajannus al-Muslim bi Jinsiyya Tunāfi al-Islām* for which a well-organized national party had requested.

Summary of Rashīd Riḍā's *Fatwā Tajannus al-Muslim bi Jinsiyya Tunāfi al-Islām*³ (The Naturalization of Muslim by a Citizenship Renouncing Islam)

Riḍā's *fatwā* consisted of three parts. The first part dealt with questions posed by a party requesting for it. The second part dealt with answers given by Rida. The last part spoke about his description on Islamic citizenship and reformation for human beings.

Initially, the party posed four questions to the *Shaykh* Rida. The first question was what was Rida's opinion about French government which had been overpowering Muslims?⁴ Secondly, was the Law of Naturalization⁵ put forward by the French Government considered as a breach of the treaty⁶ provided for the Muslims, as a form of sedition for their religion and as a violation of their social structure? Thirdly, would the Muslims, if they accepted the naturalization, become apostate or what was the fact? Lastly, was it allowed, for Muslim who already understood the consequence of the blind sedition and the danger of keeping silent about it, and was safe to resist and show his rejection of it, not to condemn the sedition?

Now, we come to answers given by Rashid Rida. The answers were not systematically organized and directed to question by question in order. Instead, his answers consisted of legal and political point of views in general.

First of all, Rida predicted that the *istiftā* (requesting for the *fatwā*) was aimed to announce the meaning of citizenship, which was a part of the Law of Naturalization, and its contents leading to the elimination of Islam rather than of Tunisian Islamic politics. Thus, the *istiftā* was aimed at the protection of the faith of Muslim.

For a start, Rashid Rida asserted that Islam was the practical obedience and submission to what The Prophet, God bless him and grant him salvation, brought from Allah. The denial of some of its teaching was just like the denial of all of them. Thus, Islam and Iman went together and could not be separated. Furthermore, Rida stated that Muslim who legalized those who refuted what had been know in religion by necessity⁷ either its obligations or its prohibitions was an apostate. He also asserted that the essence of the denial was the denial of the truth in practice, and those who denied believed the truth heartily. As a result, such legalization and permission were equal to conducting something lawful and permissible without objection and consideration.

In response to the citizenship offered by the French government, Rida stated that Muslim's acceptance of a citizenship which contained laws contradicting Islamic laws was a departure from Islam. This was because he denied them, and took precedence of its laws over the Islamic laws. Rida quoted a quranic verse: "Hast thou not turned thy thought to those who declare that they believe in the revelations that have come to thee and to those before thee? Their (real) wish is to resort together for judgment (in their disputes) to the evil (*tāghūt*)⁸ though they were ordered to reject him. But satan's wish is to lead them astray far away (from the Right), when it is said to them: come to what Allah hath revealed and to Messenger. Thou seest the hypocrites avert their faces from thee in disgust"⁹. Rida emphasized that the evil was the centre of injustice and its impetus. Contradicting what Allah had given and what The Prophet had judged was a part of the evils. He also asserted that some of the French positive laws such as permitting adultery, interest, etc. were a part of the evils. He, then, asserted not to follow any political citizenship which legalized Islamic prohibitions.

Furthermore, Rida explained that the acceptance of a citizenship which refuted what had already stated in The Quran was a matter of choice rather than of necessity. Thus, someone who chose it had, indeed, taken precedence of it over the laws of Allah and the saying of The Messenger.

Indeed, a Muslim who accepted the system of a citizenship corp, whose laws changed the quranic law, would be a part of those who changed infidelity into faith. Hence, he would not be treated as Muslim. Thus, if it happened to inhabitants of a land or of a tribe. it would be obligatory to kill them. Then, Rida also asserted that neglecting Islamic rules because of such a choice of the offered citizenship was not the origin of infidelity and of apostasy but because

of the choice, there would exist impacts leading to the infidelity and the apostasy.

Last but not least, the true and the real faith, according to Rida, was the faith of the internal submission which would come into existence due to three factors: supporting The Messenger in whatever he quarreled; accepting his decision satisfactorily and being proud of it; and submitting to and obeying the laws of Allah.

As for the Islamic citizenship and reformation for human beings, Rida stated that motives of human beings' sufferings were not apart from their contradicting of the values and the peculiarities of society such as beliefs, languages, lands, rules, governments, descendants, stratification's, and traditions and customs so that they competed and humiliated each other. He stated that the religion of *tawhid* (monotheism) and of salvation rose to guide people, by uniting them into one religion, which was in line with human nature, to the solution for each sort of the contradictions, due to the hostility to and the hate of one another, leading to the sufferings. The religion devastated the contradictions and combined between spiritual and physical needs (religious citizenship), used one language by which they communicate to one another and united their knowledge and civilization (social citizenship), and exercised one law, by which their status in front of it was equal regardless of their different religions and faiths (political citizenship). The religion also would eliminate rivalry for superiority, both in descendant and stratification, and hostility due to the difference of lands and customs. In addition, the religion, in its teaching and laws, guided them to the elimination by gradual efforts, which was in fact in line with the law of Allah for any social changes.

Last but not least, Rida issued the importance of *khilāfa* system in order that Islamic principles and laws could be exercised so that Islam and its language could spread all over the world, and a virtuous civilization could come into existence. However, Muslims neglected the system so that we frequently heard and saw their dishonor. As a consequence, they were always under the hegemony of others whose governmental system absolutely differed from that of the *khilāfa*.

Party Requesting for the *Fatwā* in Investigation

In the text of Rida's *fatwā*, to tell the truth, there existed no definite description indicating which national party that had requested for the *fatwa* to him in response to the French Law of Naturalization. However, after the treaty of Bardo 1881, by which Tunisia [read: country] accepted French protection and provided for French control towards its foreign relations, there existed only a well-organized national party, namely The Destour Party founded in 1920 by

Abdelaziz al-Tha' albi. This party's proponents derived from various social levels such as bourgeoisie and traditional ruling elite-Turks from Tunis [read: city], religious lawyers, civil servants, businessmen, and merchants and professionals who were social conservatives and economic liberals. This party was urban and Muslim in its orientation¹⁰. It is even said that this party began to attract the support of ordinary people and to organize branches in the country side, thus escaping the constraints of the bourgeois environment of Tunis¹¹.

Secondly, The Destour-Party was by the time so vigorous to fight against the French government, and was very much concerned about the religion of Tunisians. This holds for Ali Mahjoubi's statements that: "*Les destouriens dénoncent certes la loi sur la naturalisation parcequ'elle tend manifestement à absorber le peuple tunisien en faisant disparaître sa personnalité. Mais ils ajoutent que 'la nationalité du Musulmane se confond avec sa religion principalement en ce qui concerne le statut personnel et que changer de nationalité equivaut pour lui à changer de religion'*"¹². (The Destourians really declared to fight against the Law of Naturalization because it clearly led Tunisian people to remove their personality. Even, they added that the nationality of Muslim was principally in line with their religion, in which it concerned the personal status, and that changing the nationality was equal to changing the religion). In addition, Mustapha Kariem stated that: "*En tout cas l'opposition du Destour contre la politique française de naturalisation se manifesta rapidement. Dès le mois d'août 1923, le parti entreprit une campagne contre le projet de loi*"¹³. (In all cases, the opposition of the Destour Party against the French politics of naturalization was rapidly declared. In August 1923, it launched a campaign against the project of naturalization).

Furthermore, the offer of the French citizenship, which was a part of the Law of Naturalization, was put forward in 1923. D. Nelson stated that "the reform package intended by the French to mollify nationalist sentiment and to disarm support for the Destour Party was capped in 1923 by an offer to grant French citizenship to Tunisians qualified by education and service"¹⁴. It is also stated that: "*Les règles spéciales de la compétence des tribunaux française en tunisie nous obligent à indiquer, ici, les modalités de l'acquisition de la nationalité française. En tunisie, ces modalités sont définies par loi française du 20 décembre 1923*"¹⁵. (In Tunisia, the certain rules, which were in the authority of French tribunals, here facilitated us to have access for acquiring the French nationality. The access was defined by the French Law put into effect on the 20th of December 1923).

It was true that there had existed two other political organizations such as the Young Tunisians and the Neo-Destour Party. However, the former

founded by the Hambak and Sfar Factions in 1909 consisted of a small group. They much concerned about their country's management rather than the religious affairs of the Tunisians¹⁶. Lisa Anderson stated that the party claimed a thousand members but was, in fact, made up of a small number activists, many mamluk origin from the old ruling class, they were elitist¹⁷. Ali Mahjoubi added that the party was not a well structured formation, and its members consisted of an elite group¹⁸. Thus, the party was unlikely to be a national party.

As for the Neo-Destour Party, in the basis of the emergence of the Law of Naturalization in 1923, and of the publication of the *fatwā* in *Al-Manār* magazine¹⁹, it would be far from the truth that the latter party was the one which asked for the *fatwā*. This was due to the fact that the latter was just founded by Habib Bourguiba in 1934²⁰. Its coming into existence was ten years later than the year of its publication. Additionally, it was said that the influence of the latter party extending into all over places in Tunis, and its successful striking strength just took place in 1938²¹.

In short, the Destour Party was likely to be, in the basis of its existence and structure, a well-organized national party. Then, it would be possible to be, based upon its religious and national commitments, the party which requested for the discussed *fatwā*.

Main Cause of the *Fatwā*

Just like the unclarity of the party requesting for the *fatwā*, the historical event of its rising was not stated in it. However, statements of the Destour Party in the text of the *fatwā* can be used as the clues for the main cause of its rising.

In the beginning of the Destour Party's request for the *fatwā*, the party stated that:

"The French government introduced the Law of Naturalization which was aimed to lead Muslims living in their own land to depart from their religion, and to multiply the number of the followers of the Law. Furthermore, the naturalization was posed as a prerequisite, to them, for gaining political rights. The naturalized person would really deny Islamic principles, that had been known by necessity. This was due to the fact that the text of the Law of 1923 legalized what had been prohibited by Islam such as adultery, drinking alcohol, immoral activities, interest, livelihood gaining via un-Islamic ways, polygamy prohibition, consideration that relationship with more than one wife was a part of adultery, denial of the lineage of a child who was not born by the first wife and the child had no right of living cost and of inheritance, invalidity of the divorce judgment conducted by a husband rather than by civil

courts, and un-Islamic proportion of division of the inheritance and the equality between female and male in its distribution. The worst was to coerce a Muslim to conduct military services for his enemy, which was prepared to kill and degrade Muslims, and to submit to the side who never concerned about and had no consensus with them"²².

It was true that on the 20th of December 1923, the French government put the Law of Naturalization into effect in Tunisia. The Law offered French citizenship to Tunisians and foreigners who lived in Tunis²³. A Tunisian who accepted the French nationality surely deserved the same rights as given to native French subjects in the domain of politics, administration, education, and so on. However, the naturalized Tunisians was obliged to submit to French civil laws, take part in French military service, and the like²⁴. Moreover, the French government was violating the quranic law, the Shari'a by overseeing and undermining Islamic courts²⁵.

Seemingly, such situation stimulated the Destour Party to launch a campaign of rejecting and rooting out the project of the Law of 1923. This can be seen from Aly Mahjoubi's words: "*Les destouriens dénoncent certes la loi sur la naturalisation parcequ'elle tend manifestement a absorber le peuple tunisien en faisant disparaitre sa personnalité. Mais ils ajoutents que 'la nationalite du Musulmane se confond avec sa religion principalement en cequi concerne le statut personnel et que changer de nationalitéequivaut pour lui a changer de religion'*"²⁶. He continued to say that "*Ce parti pervient a porter la question de la naturalisation devant l'opinion publique tunisienne aussi bien aTunis qu'a l'intérieur du pays. Certes le destour n'arrives pas a mobiliser les uléma qui refusent de condamner publiquement par une fetwa ou consultation juridique la naturalisation et d'assimiler le naturalisé a un apostate'*"²⁷. (This party spread the question on the naturalization publicly in Tunisia. The party, however, could not mobilize the ulamas who publicly condemned the naturalization through *fatwā* or judicial consultation, and who assimilated the naturalized person into an apostate).

Given the description, it would be understandable that the Destour Party's statements could be the historical event and the main cause of the rising of the *fatwā*. The party, accordingly, approached a well-known ulama Rashid Rida, who leaned and devoted himself to fight for the sacred law, *Shari'a*. This was in line with its commitment to protect Muslims' faith from the western virus of idea²⁸.

Fatwa's Mission: More Legal versus More Political

Having dealt with the contents of Rida's *fatwā*, which was in response to the French project of naturalization, there lied his legal reasons. Initially, He stated that the reason for the apostasy of a Muslim who accepted the French Law of Naturalization, which offered French citizenship, was the denial of what had been known in religion by necessity. He also was of opinion that the French Law was of the evils leading Tunisian Muslims to depart from their Islamic faith. This enabled them ignoring the tenets of their religion, including legalizing unlawful matters or prohibiting lawful matters. In addition, he gave emphasis that accepting the French Law signified taking precedence of it over Islamic laws. In short, a Muslim who accepted the French Law (French Citizenship) would not be treated as Muslim in legal aspects.

In fact, such legal reasons held, by the time, for those of ulama. First of all, in the *fatwa* of Muhammad Shakir, the former wakil of Al-Azhar, it was stated that a Muslim who accepted the Law was an apostate from the Islamic religion, and would, in the basis of Islamic Law, be cursed²⁹. Secondly, Ahmad 'Ubbad, a lecturer of Zeytun faculty said, in a broader sense, that someone of believers who naturalized himself with a foreign citizenship was that he really took precedence of the litigation to its author and to whatever came from him over the litigation to the *shari'a*. thus, he was an infidel³⁰. Last but not least, The chief of the congregation of Algerian ulama, 'Abd al-Hamid b. Badis stated that the naturalization with a non-Islamic citizenship obliged to deny Islamic laws. He continued to say that the naturalized Muslim with the French citizenship meant that his naturalization would be also valid for his descendants. Therefore, he incriminated his descendants because of excluding them from the heart of Islam³¹.

There lied arguments deriving from religious scholars, as well. Aly Mahjubi stated that "*Un effet, L'Islam étant un dogme, un rite en un code a la fois, il régle la vie publique comme la vie privée du musulman. En optant pour la nationalité française, celui-ci n'est plus soumis en matière de statut personnel a la loi coranique mais au code civil française. En vertu des préceptes coranique, tout musulman qui consent de son propre gré d'être jugé selon des lois qui ne s'inspirent pas du Coran ou qui accepte délibérément de se placer sous l'autorité des infidels est un apostat*"³². (In fact, Islam was a dogma, a ritual and a code. It ruled the public life like the private life of Muslim. The French nationality did not, in return, follow, in the case of the personal status, the quranic law but the French civil code. Based on the quranic perception, each Muslim who was in favor of the law was not in line with the Quran or who accepted deliberately to submit to the infidel authors was an apostate). In a similar sense, Mustapha Kariem asserted that "*La nationalite de musulmane*

*se confondait avec sa religion principalement en ce qui concernait le statut personnel, changer de la nationalite equivaut donc pour lui a changer de religion*³³. (The nationality of Muslim was principally equal to his religion, in which the personal status was concerned. Changing the nationality was, therefore for him, similar to changing the religion).

It was unfortunate that there lied no *fatwās* written at the time, which were in favor of the French naturalization project. Nevertheless, there were scholars who discussed about the naturalization. For a start, Al-Qardawi stated that there existed plenty of benefits for the naturalized Muslim. Firstly, he would be considered as a legal citizen [of the ruling author] so that he would be given the same treatments as those given to other people of a given country. Secondly, he would not find obstacles as foreigner faced. In fact the naturalized Muslim would be regarded as the citizen loyal to the infidels but as far as they did not fight against him, the naturalization would be a part of the chapter on performing good deeds to the infidel [authors]³⁴. It was even stated that each Muslim must have two sets of identity. This first set of identity would be with Allah, His messenger, and Islam. By virtue of this identity, the Muslim would belong to *Umma*, which was the global Islamic community irrespective of any national and international boundaries. The second set of the identity would be with the state of which [he] was [a] naturalized citizen. The Muslim was expected to become a good citizen of the country in which he resided, and followed its rules³⁵.

Having dealt with the arguments of both sides, it can be seen that those arguments of the opponents of the French naturalization project were dominantly legal, while those of its proponents were in general political. Based upon the tendency, the arguments, in response to the French project, posed by Rida were legal orientation. Nevertheless, such legal arguments did not absolutely signify that he ignored political aspects. He posed Islamic citizenship rather than French citizenship as a political model for Tunisian Muslims. For the purpose, he emphasized the importance of *khilāfa* system rather than French governmental system. He stated that if the system of *khilāfa*, which exercised Islamic principles and rules, Islam and its language would spread all over the world. Additionally, the ideal of the authors, which wished a virtuous civilization, could be realized. However, Muslims neglected the religious duty. In consequence, they were always under the control of others. To strengthen his purpose, he placed the religion of *tawhīd*, as a starting point for Muslims to be considered not only as a religion itself but also as religious, social and civilized, and political citizenship³⁶. Clearly, he offered and was in favor of Islamic citizenship rather than French citizenship. Such a political will, that appeared in his *fatwā*, was in fact commonly exercised³⁷. In

consequence, this meant that he clearly wished to put *sharī'a* rather than the Law of Naturalization into effect³⁸.

ENDNOTES

* Dosen Fakultas Adab IAIN Sunan kalijaga Yogyakarta.

¹A.Uner Turgay, Citizenship in *The Oxford Encyclopedia of the Modern Islamic World* ed. by John L. Esposito, vol. 1 (Oxford University Press: New York, 1995), p. 292.

²He was a Lebanese origin, and extremely concerned about the unity of Muslim community and the preservation of its identity and culture. See C.E. Bosworth, E. Van Donzel, et al., Rashid Rida in *The Oxford Encyclopedia of the Modern Islamic World* ed. by John L. Esposito, vol. 3, 1995, p. 446, and see Emad Eldin Shahi, Rashid Rida in *The Oxford Encyclopedia of the Modern Islamic World*, ed. by John L. Esposito vol. 4, 1995, p. 410-11.

³Rashid Rida, *Al-Manār*, vol. 25 (Almanār: Egypt, 1924)

⁴The French government introduced the Law of Naturalization which was aimed to lead Muslims living in their own land to depart from their religion, and to multiply the number of the followers of the Law. Furthermore, the naturalization was posed as a prerequisite, to them, for gaining political rights. The naturalized would really deny Islamic principles, that had been known by necessity. This was due to the fact that the text of the Law of 1923 legalized what had been prohibited by Islam such as adultery, drinking alcohol, immoral activities, interest, livelihood gaining via un-Islamic ways, polygamy prohibition, consideration that relationship with more than one wife was a part of adultery, denial of the lineage of a child who was not born by the first wife and the child had no right of living cost and of inheritance, invalidity of the divorce judgement conducted by a husband rather than by civil courts, and un-Islamic proportion of division of the inheritance and the equality between female and male in its distribution. The worst was to coerce a Muslim to conduct military services for his enemy, which was prepared to kill and degrade Muslims, and to submit to the side who never concerned about and had no consensus with them. See Rashid Rida, *Al-Manār*, 1924.

⁵On the 20th of December 1923, French government put forward the Law of Naturalization. This Law offered French Nationality [Citizenship] to Tunisians and Foreigner residing in Tunis. See. Ali Mahjopubi, *Les origines du mouvement national en Tunisie* (Publication de l'universite de Tunisi: Tunisi, 1982), p. 345-345. Cf. Snouck Hurgronje's ethical policy, whose one of its purpose was to strengthen the emancipation of Muslims in Indonesian archipelago through cultural association with Western civilization so that the culture and philosophical distance between themselves and the Europeans [in particular Dutch people]. See B. J. Boland, Historical Outline in *Islam in Indonesia: a Bibliographical Survey* by B. J. Boland and I. Farjon (Dordrecht, 1983), p. 18-19.

⁶In 1881, Tunisia accepted French protection and provided for its control of foreign relations. See Wilfrid Knap, *North Wests Africa*, 3rd ed., Oxford University Press: New York, 1977), p. 351. Furthermore, in 1883 the both countries established another agreement, The treaty of Mersa whose purpose was to restore the internal situation in Tunis. See: Ali Mahjoubi, *Intisāb al-Himāyat al-Faransiyya bi Tunīs*, (Tunis, 1986), p. 155. By the treaty, the French protection over Tunisia was formally established. See: Europe Publication Limited, French Protection in *The Middle East and North Africa 1893-1984* (Europe Publication Limited, London, 1983), p. 614.

⁷They were Islamic principles who did not require any interpretation, could be easily understood. See: Al-Dīn Al-Taftazānī, *Sharh al-Maqāsid*, 1st ed. and 5th vol, (A'lām al-Kutub: Beirut, Maktab Kulliyat al- Azhar: Cairo, 1989), p. 229.

⁸Rashid Rida stated that Tāghūt was any worship and belief which rose due to the tyranny, and were aimed to get rid of the truth. See: Muhammad Rashid Rida, *Tafsīr al-Manār*, 4th ed. - vol. 3 (Maktab al-Qāhira, 1960), p. 37.

⁹*Al-Qur'ān*, Al-Nisā: 60-61.

¹⁰See: Harold D. Nelson, *Tunisia: a Country Study*, 2nd ed., The American University: Washington, 1978), p. 40.

¹¹Wilfrid Knap, *North West Africa*, 1977, p. 358.

¹²Ali Mahjoubi, *Les origines du mouvement national en Tunisie*, 1982, p. 348.

¹³Mustapha Kariem, *Nationalisme et syndicalisme en Tunisie 1918-1929* (Union Generale Tunisienne du Travail: Tunis, 1976), p. 258.

¹⁴Harold D. Nelson, *Tunisia: a Country Study*, 1978, p. 41.

¹⁵Elie Fitoussi and Aristide Benazet, *L'état tunisien et le protectorate française* (Librairie Arthur Rousseau: Paris, 1931), p. 335.

¹⁶Cf. Harold D. Nelson, *Tunisia: a Country Study*, 1978, p. 39-40.

¹⁷Lisa Anderson, *The State and Social Transformation in Tunisia and Libya 1830-1980*, Princeton University Press: New Jersey, 1987), p. 160.

¹⁸Ali Mahjoubi, *Les origines du mouvement national en Tunisie*, 1982, p. 215.

¹⁹It was established in 1898. It was the voice of Rashid Rida and the library of his thoughts. See: Sakib Arslan, *Al-Sayyid Rashid Rida aw Ika Arbain Sana*, (Syria, 1937), p. 15.

²⁰Cf. Harold D. Nelson, *Tunisia: a Country Study*, 1978, p. 42.

²¹Europe Publication Limited, *The Middle East and North Africa 1983-84*, 1983, p. 615.

²²Rashid Rida, *Al-Manār*, 1924.

²³See: Ali Mahjoubi, *Les origines du mouvement national en Tunisie*, 1982, p. 345-346.

²⁴Elie Fitoussi and Aristide Benazet, *L'état tunisien et le protectorate française*, 1982, p. 338.

²⁵Dwight L. Ling, *Morocco and Tunisia* (Universiitiy Press of America: Washington, 1979), p. 78.

²⁶Ali Mahjoubi, *Les origines du mouvement national en Tunisie*, 1982, p. 348.

²⁷Ali Mahjoubi, *Les origines du mouvement national en Tunisie*, 1982, p. 348.

²⁸See: Mal Colm H. Kehr, *Islamic Reform: the Political and Legal Theories of Muhammad Abduh and Rashid Ridha* (University Press of Chicago: Chicago, 1966), p. 187-88.

²⁹Muhammad b. Abd al-Karim al-Jazairi, *Tabdīl al-Jinsiyya: Ridḍa wa'l Khiyāna* (Paris: 1989), p. 186.

³⁰Muhammad b. Abd al-Karim al-Jazairi, *Tabdīl al-Jinsiyya: Ridḍa wa'l Khiyāna*, 1989, p. 186.

³¹See Muhammad b. Abd al-Karim al-Jazairi, *Tabdīl al-Jinsiyya: Ridḍa wa'l Khiyāna*, 1898, in particular pp. 193-211, and see: *Al-A'īn*, no. 49 and 50 (1416 H).

³²Ali Mahjoubi, *Les origines du mouvement national en Tunisie*, 1982, p. 349.

³³Mustapha Kariem, *Nationalisme et syndicalisme en Tunisie 1918-1929*, 1976, p. 259.

³⁴See Benomar al-Hasani, *Al-Tajannus bayna al-Fiqhi wa'l Bu'd al-Hadari* (Jami'at 'Abd al-Malik al-Sa'di: Tetouan, 1992-92), pp. 39-40.

³⁵W. Shadid and P. S van Koningsveld, Loyalty to a Non-Muslim Government: an Analysis of Islamic Normative Discussion and of the Views of Some Contemporary Islamicists in *Political Participation and Identities of Muslims in Non-Muslim States* (Kok Pharos Publishing House: The Netherlands, 1996), p. 108.

³⁶Rashid Rida, *Al-Manār*, 1924, in particular pp. 31-32.

³⁷See John L. Esposito, Definition of Fatwa in *The Oxford of the Modern Islamic World*, vol. 2, 1995, p. 15. Here said that "during nineteenth and twentieth centuries, fatwas became tools for mobilizing the population in both active and passive anticolonial resistance and in the struggle for national independence.

³⁸Cf. Glenn E. Perry, Caliph in *The Oxford of the Modern Islamic World*, vol. 1, 1995, pp. 239-240.