

Today's Talk: The New Laws (The Reform of Religious Education)

al-Siyasa, 30 August 1923

Had I not been anxious to spare you the shock of an ugly title, I would have written this piece under the heading "The Catastrophe of the School of Sharia Judiciary," or "Trifling with Religious Education" — for these two laws, ratified by the Council of Ministers last Sunday, amount to nothing less than a catastrophe for the School of Sharia Judiciary, and a trifling with religious education at al-Azhar itself.

Indeed, were I not intent on addressing this matter from a purely academic standpoint, I would say outright that these two laws carry a grave political danger, whose effects will make themselves felt sooner or later. But I wish to avoid politics entirely in this piece, and to look instead for whatever wisdom drove the government to rush out these two laws, and for whatever benefit sharia judiciary and religious education stand to gain from them.

I must state plainly that I have searched for this wisdom and found none, and I challenge the government's supporters, and the supporters of these two laws, to show us any reasonable wisdom that could justify such haste in so grave a change. I have found no such wisdom, and found no scholarly benefit that sharia judiciary stands to gain from this change, nor any that al-Azhar stands to gain from establishing this Specialization Section.

I have no wish to go on at length; the matter requires none. I wish only to draw your attention to a simple comparison between the new School of Sharia Judiciary and the Higher Section of the old School of Sharia Judiciary, so as to establish something quite different from what His Excellency the Minister of Education claimed in the interview *al-Siyasa* published for him on Sunday morning — where His Excellency claimed that this change elevates the School of Sharia Judiciary, and raises its scholarly standing.

I, for my part, claim that it debases the School of Sharia Judiciary, and diminishes the worth of its judges; for the Higher Section of the old School of Sharia Judiciary went into a depth of study of Islamic jurisprudence, the principles of jurisprudence, and the rest of the

religious sciences that the new Specialization Section will never match, and added to this depth a study of the language, its literature, and its various disciplines; it added to that a respectable grounding in history and geography; and it added, on top of all this, a grounding in a range of theoretical and experimental sciences — mathematics, physics, and chemistry — and it taught the principles of law, the organization of the judiciary and administration, sharia notarial practice, and dealt with no small measure of practical judicial training besides.

All of this was taught and covered — and all of it has now been stripped away, leaving nothing but jurisprudence "together with the wisdom of legislation," as they put it, the principles of jurisprudence, a comparison of the four legal schools on matters of personal status and sharia notarial documentation, and the study of a few cases involving points of sharia principle. I should like to note that there is, in this very naming, a certain glitter that serves no purpose and signifies nothing: "jurisprudence together with the wisdom of legislation," for instance, is a name designed to deceive and dazzle people, but in truth signifies nothing new at all — for the study of jurisprudence, at al-Azhar and at the School of Sharia Judiciary alike, has always been bound up with the wisdom behind legislation; the wisdom of legislation is itself a part of jurisprudence, and to spell it out separately is an empty novelty of no use whatsoever.

Likewise, "a comparison of the four legal schools on matters of personal status" is an ornamental phrase signifying nothing; and if it does signify something, then it is a bad sign — for the study of jurisprudence, at al-Azhar and at the School of Sharia Judiciary alike, has always by its very nature involved comparison between the legal schools, and not merely in matters of personal status, but in matters of transactions and of worship as well. Any advanced work of jurisprudence takes up a given legal question, states its own school's position, then states the positions of other jurists, and then compares, debates, and argues the case.

This comparison, debate, and argumentation is already fully present in the books taught at al-Azhar and at the School of Sharia Judiciary; and we do not know what those who drafted this law could possibly have meant by this clause, unless they meant that jurisprudence should be taught properly only in matters of personal status, while being condensed, in its other branches, to a bare minimum. And this is hardly fitting for a section of specialization.

As for the rest of the names that have passed before you, all of them were already taught at the old School of Sharia Judiciary; so the Specialization Section contains nothing new whatsoever in the religious sciences — it has, rather, dropped Quranic exegesis, hadith, and Islamic theology from it. But there are other subjects too, besides the religious sciences — let us see what these are.

They are: the history of the judiciary and of judges in Islam — a new subject, respectable enough in itself; "sharia politics" — a term whose meaning we do not know, nor where the drafters of the law found it, though we acknowledge that another version of the law omits this subject altogether; the organization and regulations of the sharia courts, religious endowments, and guardianship councils — a subject that used to be taught at the School of Sharia Judiciary by way of comparison between these regulations and the code of civil procedure before the national courts. We should like to understand how such a comparison is even possible, if the code of civil procedure before the national courts is no longer taught; the principles of law — already taught at the School of Sharia Judiciary; the organization of the judiciary and administration — already taught at the School of Sharia Judiciary; and procedure and practical judicial training — already present at the School of Sharia Judiciary.

Do you see, now, what subjects this Specialization Section is actually going to teach? Do you see that the difference between it and the old School of Sharia Judiciary lies neither in any benefit to education, nor to specialization, nor to the judiciary, nor to anything else whatsoever? The old School of Sharia Judiciary used to graduate men whose ignorance of jurisprudence no one ever complained of, nor their weakness in it; and alongside their deep grounding in jurisprudence, they also gained a grasp of other literary and theoretical subjects that narrowed the distance between them and their brothers graduating from the civil schools, and opened their minds to modern life. They have now been deprived of these subjects, driven back into the fold of al-Azhar, and cut off from even this faint ray of the light of modern learning.

And do not tell me that these modern subjects are taught at al-Azhar; God alone knows how such subjects are taught at al-Azhar, and by what manner of people, entrusted with teaching them, who have neither connection to nor knowledge of them whatsoever.

Moreover, the old School of Sharia Judiciary used to take in young men only just past boyhood, shaping them and disciplining them in a manner suited to its own system, and preparing them to grasp the learning it taught. Now, instead, it will take in older, already-formed men — shaykhs — whose education and formation is already complete, whose minds have already been cast in a particular mould that neither teaching nor cultivation can easily reshape.

This law, further, stipulates a single thesis to be submitted at the final examination — its drafters apparently failing to notice that students of the Higher Section at the old School of Sharia Judiciary used to submit precisely such a thesis at the end of every single year, so that they submitted four theses in all, not one.

Such, then, is the full extent of the change this new law has brought about. I have not even mentioned the abolition of the Preparatory Section, nor the abolition of the Higher Section itself; I have confined myself to the simple comparison I have drawn between the Specialization Section, which prepares students for a degree resembling a doctorate, and this abolished Higher Section, which used to prepare students for the "Aalimiyya" degree. And this comparison shows, as you can see, that the School of Sharia Judiciary has been degraded, not elevated — or, one might as well say, that it has simply been abolished outright. What wisdom, then, lies in this abolition, and what benefit does it serve?

As for the Specialization Section established at al-Azhar itself, it is the strangest of strange things, the emptiest of empty talk, a species of folly with no good in it whatsoever. You study grammar for twelve years at al-Azhar, and then, once you have obtained the "Aalimiyya" degree, you are forced, should you wish to specialize, to study grammar for four more years still. What, then, could you possibly be studying in those four years? And what manner of grammar is this, that takes sixteen years of your life to master? Say the same of jurisprudence, and say the same of every other subject besides. Al-Azhar has become like "Juha's water-wheel," or like a millstone that turns and grinds noisily without anything in it, without producing any flour at all — or, as Abu'l-'Ala' [al-Ma'arri] put it, al-Azhar has become "a mill that grinds centuries..."

None of this means that al-Azhar and the School of Sharia Judiciary were not in need of reform. On the contrary, they were in dire need of it — but of a reform quite different from the one this new legislation has pursued; a reform that would genuinely benefit Egypt, genuinely benefit

the Islamic nations, and make the Azhari scholar suited to the age he lives in; a reform that revives minds rather than deadening them, opens insight rather than closing it; a reform that leaves al-Azhar fit to walk forward ahead of its own age, rather than retreat backward behind it.

Al-Azhar and the School of Sharia Judiciary were in need of reform, and instead they have been corrupted rather than reformed. The source of this lies in two things: first, that those charged with this reform are neither specialists nor men with any real insight into education; and second, that this reform was undertaken not for God's sake, but for the sake of politics. And when political interests intrude into learning, woe to learning! Woe to teachers! And woe to students!