The Politics of Family Cohesion in the Gulf: Islamic authority, new media, and the logic of the modern rentier state

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Introduction

The modernizing projects of Gulf states have been predicated on the idea that traditional cultural and religious values can be clearly dissociated from modern social and economic practices. Enshrined in official documents and authorized by international discourses, this view presupposes stable categories and clearly differentiated spaces. It assumes that “religion”, “society” and “economy” are entirely discrete, and that the sensibilities that underpin each can be neatly separated. The view has helped to structure state institutions and define the functions of government bodies in the aftermath of oil. It has also contributed to the Gulf states’ ability to control the religious field and to stifle opposition.

In this article, I explore the limits of these assumptions by taking debates around family norms in Qatar as a case-study. The family is a particularly apt focus given its centrality to public debate in the region, where development has been highly gendered and concern about “the disintegration of the family” (al-tafakkuk al-usarī) become commonplace. It is arguably around the family that the region’s struggles for self-redefinition in the twenty-first century are most clearly articulated. Debates about the implementation of the “family cohesion agenda” have drawn on multiple normative registers and engaged a wide range of participants, including public intellectuals,
lawyers, judges, social scientists, women’s rights activists, medical practitioners, and international consultants. I focus here on a set of actors that has been neglected in these discussions: the state muftis who work for the region’s official religious institutions. I draw for this purpose on the fatwas issued by Islamweb, an online portal attached to the Ministry of Endowments and Islamic Affairs (Wizārat al-Awaqīf wa-l-Shu‘ūn al-Islāmiyya) in Doha and effectively Qatar’s only authorized fatwa body. Two questions guide my analysis: How has Qatar’s Wahhabī religious establishment responded to the on-going transformations of family structures and gender roles? And what is the relation between the family discourse articulated within state religious institutions and on-going nation-building projects? Although Wahhabī Islam is often depicted as a fundamentalist movement opposed to change, I show how Qatar’s media muftis have incorporated modern assumptions into their discourse, adjusted to a new moral order and power configuration, and participated actively in the remaking of the modern Qatari nation.

Three assumptions regarding the fatwa, digital technology and modern state institutions ground my analysis. First, the fatwa is located within a moral tradition that refers to a set of founding texts (Qur’an, Sunna, the practice of the Prophet’s companions, and the works of specific legal schools) and is characterized by distinct modes of argumentation (controlled analogical reasoning, defense of scholarly consensus, considerations of public interest, etc.) Since their reasoning is connected to a tradition that articulates specific goals and virtues, the muftis can be expected to stand in an equivocal relation to any project of modernization. When responding to a fatwa request, muftis engage in a double hermeneutical exercise: they examine the textual resources of the tradition and they interpret the world around them, attempting to find a correspondence between them. This double hermeneutical move makes it possible to evaluate the muftis’ work not only in terms of its (dis)continuities with the norms presupposed in the tradition, but also in relation to the muftis’ particular understandings of the society they inhabit and to the strategies they may develop to advance Islamic futures. Second, the location of Islamweb in cyberspace, both easily accessible and yet removed from mainstream politics, is politically ambiguous. New media technologies create new deliberative spaces as well as expand the disciplinary dimensions of Islamic authority. While the destabilizing potential of online fatwas may appear quite limited (a possibility underscored by the willingness of Qatar’s muftis to speak rather freely on family issues), the internet is now such a crucial dimension of social identity and community life that its effects are difficult to delimit with any certainty. Third, Qatar’s Ministry of Endowments is part of a larger state apparatus whose institutions do not necessarily work in a coherent manner. The discourse articulated by the muftis differs notably from that of other state bureaucrats, for whom family cohesion is a part of an “integrated approach” that references international norms and conventions. The dissonance between the discourses makes it difficult to identify with precision how the Qatari state views family cohesion. While the problem is to some extent common to all modern state formations, it is enhanced in rentier economies where the state has incentives to proliferate institutionally. This oft-neglected dimension of rentier states should be considered when assessing the relative success of the Qatari regime’s attempt to co-opt the religious establishment. With these considerations in mind, I start by situating the work of the Ministry of Endowments in the context of Qatar’s modernization process. I then situate the “fiqh of the Muslim family” in historical context before examining how the Ministry’s fatwas on family issues relate to legal norms and social processes.
Official Islam in Qatar

In Qatar, as in the other countries of the Gulf, Islam is the religion of the state. The 2004 Constitution recognizes the sharia as “a principal source of legislation” while the government refers to Islamic law as “the moral anchor of Qatari society.” The Qatari state is committed to maintaining the public hegemony of Islam, upholds the primacy of the Ḥanbalī school of jurisprudence favored by the Wahhābī movement, and criminalizes any assault on monotheistic religions. Many state-sponsored institutions are actively engaged in da’wa activities. The longstanding presence of the Muslim Brotherhood in the country has helped to shape an understanding of Islam as a comprehensive social system, fostering a new kind of religious activism among sections of Qatari society. Islam is invoked today in debates about art exhibits, financial institutions, foreign nannies, and science education. At the same time, the public role of religion in twenty-first century Qatar appears to be clearly circumscribed. Unlike Saudi Arabia, where the alliance between religious and political authorities has produced a distinctive form of religious nationalism, the Islamic referent appears to occupy a more ambivalent space in Qatar’s nation-building efforts. Debates about the application of sharia, so prevalent in other Muslim countries, have been rather subdued here. The state officially promotes religious moderation and interfaith dialogue, notably through the Doha International Center for Interfaith Dialogue. It hosts a Jesuit university (Georgetown) in its Education City and a Church Complex in the outskirts of Doha. Sectarian animosity towards the Shi‘ī minority, fostered by Wahhābī institutions elsewhere in the region, is not tolerated by the authorities. Officials in religious institutions have seen their work curtailed by red tape and state bureaucracy, while some Islamic charities have recently fallen prey to the state’s punctilious regulatory drive. The domestic priorities of the Qatari regime in the twenty-first century seem to lie in nation-building, modernization, and the promotion of a knowledge-based society (the local policy-makers’ favorite dictum). In the language of the bureaucrats and consultants who draft key policy documents, as well as in many areas of political life, Islam appears as part of the region’s intangible heritage; a historical artifact, rather than a resource for the future or an engine of social change.

Although the actors who work for the Ministry of Endowments do not perceive the relevance of Islam to contemporary Qatar in the same terms, they appear to construe religion in similar ahistorical fashion — overlooking in the process the various ways in which people in the region have historically related to the Islamic tradition. Founded in 1993, perhaps as a means for the regime to co-opt former political dissidents and religious conservatives, the Ministry of Endowments is tasked with establishing Islamic doctrine, spreading Islamic culture, ensuring that Islamic values and ideals are reflected in society, and calling upon non-Muslims to embrace the faith. Under the Presidency of Sharia Courts (Ri‘āsa al-Maḥākim al-Shar‘īyya) that preceded the Ministry, the institutionalization of Islam in Qatar was rather weak. Tribalism, economic hardship, illiteracy, the dearth of educational facilities and the lack of appropriate state institutions were factors that hampered the penetration of Wahhabism well into the second half of the twentieth century. Building on the work of the Presidency of Sharia Courts, the Ministry of Endowments set out to remedy this problem, starting with the shortage of mosques and imams for a rapidly growing population. It acquired exclusive jurisdiction over mosques, Friday sermons, and centers of Qur‘anic learning and oversaw important
transformations in the composition of Qatar’s religious personnel. Through a series of legal decrees and organizational restructurings, the Ministry contributed to defining and circumscribing the space of the religious in the modernizing state. The gradual weakening of tribal affiliation, partly as a result of land distribution policies that isolated nuclear families from extended kin, may have increased the social relevance of Islam as purveyor of common values. In the context of rapid globalization and increasing anxieties about national identity, the Ministry of Endowments has sought to equate Wahhābī Islam with Qatari culture writ large. This move has allowed the Ministry to promote the incorporation of Wahhabism within the power structures of the modernizing state under the guise of preserving national cultural traditions. Media technology, including standardized sermons, religious talk-shows, and online fatwas, has been an integral component of the Ministry’s attempt to make Islam relevant to a rapidly changing and increasingly diverse society.

Islamweb

The internet portal Islamweb was established in 1998, in the shadow of the better known Islamonline website, and in line with the Qatari regime’s preference for media outlets over formal institutions. Although Islamweb has grown over the years, the online fatwa service remains the most popular section of the website. Worshippers in mosques across Doha and visitors to the Ministry of Awqāf’s institutions are directed towards the website for any sharia questions they may have. Islamweb is attached to the Ministry’s Department of Da’wa and Religious Guidance, an organ responsible for demonstrating the relevance of Islamic values for the progress of society, identifying the causes and the solutions for the problems faced by preachers, and issuing oral fatwas to the general public. In addition to live fatwa chats and SMS fatwas free of charge to the local population, the website currently hosts the world’s largest online fatwa bank. The intertextual nature of online fatwas and the review procedures put in place by the website managers have enabled the Ministry to standardize Islamic legal opinions to a far greater degree than could have reasonably been done in the past. Islamweb’s fatwas are read by thousands of Muslims, helping to shape a collective if somewhat diffuse subjectivity. New media technology has thus allowed the Ministry to penetrate in unprecedented ways into the social fabric of Qatar’s diverse communities and to stake a claim for defining Islam in contemporary Qatar. The family occupies a privileged space in this project. As one senior member of Islamweb’s fatwa center explained to me, Qatari society faces complex problems which require the joint efforts of many agencies. Fatwas play a role in orienting the population and promoting da’wa, but they alone cannot solve all the issues. Since the Ministry of Endowments is limited — in the eyes of several of its staff members — in its ability to directly shape state policy, the muftis target the family as the prime institution through which Islamic practice may be advanced in contemporary society. A concern for the “stability of the family” (istiqrār al-usra) features prominently in the website, as well as in the media interventions of the Ministry’s spokespersons. According to Islamweb, “Out of all the previous divine religions, none has given due importance to the family as Islam did”. The politics of family cohesion in a globalized world informs the reasoning of Islamweb’s muftis.
“The Fiqh of the Muslim Family”

A concern with family and household relations has been integral to nation-building processes and religious reform movements in the Arab world since the nineteenth century. Islamic legal scholars have eagerly contributed to the proliferation of regulatory discourses around the family — a topic that features prominently in contemporary fatwa literature. For many muftis today, “the family is the condensed image of the society: its probity and cohesion are the probity and cohesion of society at large”. The centrality of the family (and of society) in modern Islamic legal discourse marks nevertheless a rupture from its premodern past. While the family may have constituted "a category of thought as well as a social fact" in Islamic civilization, it was not construed as a target of regulatory ambition by Islamic jurists. The centrality of the “Muslim family” (al-usra al-muslima) in Islamic legal discourse is thus a distinctive modern achievement. The qualifier “Muslim” now regularly attached to “family” demonstrates the apologetic nature of the discourse. The construct points to the processes through which the scope of the sharia has been narrowed down to issues of marriage, divorce, inheritance and child custody, now reconfigured as “personal status” laws. The prominence of the family also seems to reflect the enduring power of a public/private distinction elaborated by nineteenth century nationalist movements in response to Western domination: while men are forced to work in a public domain under norms and conditions not of their own making, women emerge as leaders of a reimagined domestic space where they are invested with new burdens and responsibilities.

The development of the “fiqh of the Muslim family” is therefore not simply the product of a deliberate ministerial strategy, but rather the outcome of a broader set of institutional and conceptual transformations. The work of Islamweb highlights the privileged place that “the Muslim family” occupies in contemporary Qatari society. In the Gulf, men and women expect sharia to govern family law. The importance of the family is reflected in the range of fatwa requests sent to Islamweb from Qatar. The fatwas studied below need to be situated in the context of a public debate which construes religion as the foundation of family life, conceives the family as an institution founded on mutual affection, differentiates between the rights and duties of spouses, and naturalizes gender roles. Although the prescriptions may vary, the diagnosis seems largely shared: there appears to be widespread agreement in contemporary Qatar regarding the critical importance of the family (“a pillar of society”) allied with a growing perception of its increasing dysfunction. Islamweb’s muftis offer detailed normative advice on how to address the issue and further family cohesion. As I show below, the muftis stand in a complex relationship to Qatar’s judges on family issues. Since 2006 the latter apply a codified Islamic family law. The muftis, however, are not bound by the law. While they defer to it on some occasions, they are ready to contradict it on many others.

Universal Marriage

Islamweb’s muftis advocate the traditional Islamic conception of early and universal marriage. They defend the possibility of marrying before the minimum legal age. Art. 17 of Qatar’s Family Law stipulates 18 and 16 years as the legal minimum marriage age for males and females. Islamweb’s muftis, however, deem child marriage entirely permissible.
Furthermore, the consent of a minor girl is not judged necessary for the validity of a marriage contracted by her guardian (2008). In adopting these positions, the muftis assert their commitment to the Islamic legal tradition and break from customary practices in contemporary Qatari society. According to official figures for 2010, the number of Qatari men and women who marry before 20 is very small: “only 1% of men and 6% of women”. Despite Islamweb’s conservatism in this matter, a fatwa discouraging parents from choosing spouses for their minor children suggests that notions of family stability are becoming connected to modern ideas about choice and companionship in marriage (2003). Marriage is naturally the solution to the temptations of celibate life (2009). Although the Ministry’s Wahhabi muftis do not usually share the reformists’ enthusiasm for the maqāṣid al-sharī‘a, they champion marriage as one of the higher objectives of Islamic Law (2003). Marriage is openly advocated even when the question asked is unrelated (2009).

Art. 31 of Qatar’s Family Law stipulates that the condition of suitable matching or equality (al-kaf‘a) should be understood in terms of “piety and good morals” (al-salāh fi-l-dīn wa-l-khuluq). Islamweb’s muftis adopt a similarly narrow definition of kaf‘a. The common position of the legislator and the mufti in this regard underscores the extent to which the relevance of tribal identity has weakened in Qatar. The principle of kaf‘a in marriage has historically been related to a range of other factors, including social class, economic standing, and tribal lineage. Although many of these factors are referenced in local sociological discourses regarding marriage and divorce, none of these considerations feature in the reasoning of the muftis. Thus, a Qatari woman cannot be prevented from marrying a polygamous foreigner with modest living means as long as his piety has been ascertained and no law is broken (2011). In order to secure an Islamic marriage unbounded by national belonging, Islamweb resists the attempt to extend kaf‘a to include national and socio-economic considerations. The muftis’ support for universal marriage trumps, in this case, their sensitivity to the ethnocratic structures that they often tacitly accept in other domains. Although they regard the agreement of the woman’s legal guardian (wali) as a condition for marriage, as does Qatar’s family code, the muftis’ endorsement of marriage leads them to limit his role in favor of (what they consider to be) the woman’s legitimate marriage preferences.

The muftis are natural allies of the Qatari state when it comes to fertility. Islamic Law, they state in general terms, encourages reproduction: “The Islamic Shariah urges Muslims to reproduce and increase the population of Muslims because this is a source of honor and strength for the Muslim nation” (2017). Qatar’s general marriage rate (i.e., the number of marriages per 1000 persons aged 15 and above) has been decreasing rapidly over the last decade. Part of this decrease is due to the emergence of female celibacy in the region. The “spinsterhood crisis” across the Gulf seems partly chosen, partly compelled. According to a recent sociological study, 15%-20% of women in Bahrain, Kuwait, Qatar and the United Arab Emirates failed to marry “mostly for lack of opportunity”. Many women, however, decide freely not to marry in order to avoid falling under the husband’s authority in their adulthood. Islamweb’s muftis condemn celibacy without reservation. They recall a saying of the Prophet, narrated by Ibn Māja and authenticated by Al-Albānī: “Marriage is part of my Sunna, and whoever does not follow my Sunna has nothing to do with me. Get married, for I will boast of your great numbers before the nations” (2016).
Polygamy

Polygamy is enshrined in Qatar’s Family Law, where women have the right to “equal treatment” (Art. 57) but the husband is under no obligation to inform the wife in advance of his decision to remarry. The marriage attestation will notify all other wives after the marriage has been executed (Art. 14). The practice, however, is relatively rare — in 2015, only 8.8% of marriage contacts in Qatar involved polygamous men — and it gives rise to vivid public debates. Young Qatari women increasingly seek assurances that the husbands will not enter into polygamous marriages.

Polygamy is staunchly defended at Islamweb. While defending the “wisdom” of polygamy, Shaykh 'Abd Allāh bin Zayd Āl Mahmūd, the late chairman of Qatar’s Sharia Courts, deemed monogamy preferable. The muftis currently working in the Ministry do not seem to make this concession. They do not require that the first wife be informed prior to the marriage (2017) and categorically reject the idea that polygamy necessarily involves injustice towards one of the spouses (2011). Polygamy is fully compatible with Islamweb’s understanding of family cohesion as long as each spouse knows and abides by his or her rights and duties. While jealousy is a natural response, anger at a husband’s second or third marriage is sinful (2013).

Although the muftis are consistent in their principled defense of polygamy, the fatwas vary according to the nature of the petition and the identity of the petitioner. In one instance, they discourage a male Asian expatriate from contracting a polygamous marriage with a Filipino Christian woman. The petitioner sought to persuade the muftis of the union’s merits by invoking the possibility that marriage might help bring the woman into the fold of Islam. The muftis’ surprising lack of interest in her conversion — an issue they claim is best left to “specialized organizations” — appears to stem from their misgivings regarding the woman’s morality. The fact that the woman gave birth to a child outside wedlock is taken by the muftis as a sign of the lack of chastity that renders the union with kitābiyyāt (Christian or Jewish women) impermissible (2005). In another instance, the muftis appear to be sensitive to the complaints of an Indian expatriate wife regarding her husband’s plans to marry a second wife:

“As regards the husband spending on his wives and being just between them, then this is a matter which only the husband knows. But of course, if he is already negligent regarding one wife and her children, then it is more likely that he will be negligent with two wives if he marries another one” (2012).

The muftis also recognize that individuals may differ in their ability to thrive in a polygamous marriage and that not all men can act justly towards their multiple wives (2006). They advise one hesitant woman to perform the prayer of istikhāra (consultation) and to seek her unsupportive father’s approval for a polygamous union (2006). The muftis’ willingness to adapt their response to the specific circumstances of petitioners demonstrates that new media technologies do not necessarily undermine the traditional flexibility of Islamic legal discourse.

Cross-National Marriages

As several fatwas described above suggest, cross-national marriages in Qatar have become increasingly common. According to a report by the Doha International Family Institute (DIFI), cross-national marriages in Qatar have risen steadily between 1985 and 2015. One
of the earliest attempts by the Qatari state to intervene directly in the regulation of family life concerned this kind of marriage. Although cross-national marriages affect Qatari women’s ability to pass on the nationality to their children, women seem more likely to marry foreign men than Qatari males. They prefer spouses from neighboring Gulf Cooperation Council (GCC) countries. Qataris provide a number of reasons for marrying cross-nationally, including “the cost of marriage to other Qataris, background similarities, exposure to other cultures, an opposition to traditional marriage, and personal traits”. The DIFI study also revealed that cross-national marriages exhibit greater instability: a disproportionate number of divorces come from these unions.

Islamweb’s fatwas on cross-national marriage involving Qatari citizens typically ignore the process through which such unions have to be registered and legalized in Qatar. They do not question the state’s right to oversee cross-national marriages through the Marriage Commission (2013). In keeping with their usual disregard for consequentialist reasoning, the muftis show no interest in the stability (or lack thereof) of these marriages. When this form of marriage becomes the object of a dispute prior to its occurrence, the muftis assess the rights of the male guardian (wali) against the desires of the woman regardless of nationality. If a Qatari woman cannot be prevented from marrying a polygamous foreigner of modest means when his piety has been ascertained, as discussed above, the non-observant father of a Muslim woman living in Europe likewise cannot prohibit his daughter from marrying a Qatari man without valid justification (2003). As the muftis make clear in a fatwa regarding the prospective marriage between a female Bosnian resident and an Arab expatriate, proper religiosity and morality are the sole determining factors (2003).

Consanguineous Marriages

54% of marriages in Qatar are estimated to be endogamous or consanguineous unions between members of the same extended family (zawāj al-aqārib). These unions are perceived to exhibit great stability, foster tribal cohesion, and enhance social solidarity. Contrary to the assumptions of modernization theory, the number of these marriages is rising in Qatar. According to the official statistics of the Ministry of Development Planning and Statistics, divorce is significantly more likely to occur among Qataris when the spouses are unrelated. In 2015, only 36% of divorce cases took place between spouses sharing first or second-degree kinship, compared to 64% of cases when spouses had no kinship relation. However, these marriages are also seen as problematic in Qatar. Medical doctors and university professors have pointed out in the media the risks associated with consanguineous marriages: they are more likely to lead to congenital defects, genetic disorders, and emotional troubles. The Qatari state has introduced compulsory pre-marital medical tests to identify genetic incompatibilities. State institutions regularly alert the population to the risks of consanguineous marriage and Qatar’s family law controversially requires premarital medical tests in order to prevent the risk of genetic diseases. Research has shown that Qatari understandings of genetic risk are mediated by cultural strategies and religious beliefs (the power of the evil eye, divine omnipotence, and the inescapability of one’s fate) in ways that often escape the state’s regulatory ambitions.

Islamweb’s fatwas on consanguineous marriage invoke scriptural, theological, and scientific arguments. They usually start with the relevant Quranic texts and Prophetic
examples. As the muftis recall in their fatwas, the Qur'an explicitly allows marriage between cousins (IV: 24; XXXIII: 50) and the Prophet Muhammad himself married his aunt’s daughter Zaynab. In light of this unambiguous scriptural evidence, the muftis outline three Islamic legal positions regarding consanguineous marriage: discouragement, permission, and recommendation. Although the Hanbali school supports the first position, Islamweb favors the second. The muftis proceed by ranking the three Islamic legal positions on the merits of textual evidence alone. They then draw on theological, legal and scientific arguments to further support their position. Islamweb’s response is based on a theological premise: God would not allow unconditionally a practice that can lead to a general and sustained harm. Scientific evidence is mobilized instrumentally to back up the theological claim. Referring to a “recent article” in the American Journal of Genetic Counselling, the muftis argue that the rate of genetic defects stemming from consanguineous marriages is only slightly higher than that of non-consanguineous unions (7–8% against 5%). In order to set the record straight, the muftis feel compelled to point out the “advantages” of consanguineous marriages. In their view, such unions allow for the reproduction of one family’s unique positive “genetic features” such as intelligence, force and beauty (2003).

A related fatwa pertains to the legitimacy of state policies requiring premarital medical tests as stipulated for example in Qatar’s family law. The muftis’ response is informed by the contemporary debates in the field of Islamic bioethics. Although they do not quote any contemporary source, the muftis appear to base their fatwa on the arguments outlined during the meetings of the international fiqh councils and expressed in the proceedings of the conferences organized by the Islamic Organization for Medical Sciences (the leading institution in the field). Islamweb’s muftis start by pointing out that there are two positions on the question of state-imposed requirements of a genetic medical test for every person seeking to marry. The first opinion suggests that the ruler (wali al-amr) can force marriage candidates to do so if he consider that this falls within the public interest (al-maslaḥa al-‘āmma). The second opinion maintains that the holder of authority cannot force these tests upon people, only support and encourage them. Islamweb’s muftis contend that the second opinion is the correct one. They argue that the potential benefits of pre-marital tests are overshadowed by the harms they may cause. Unless a given genetic disease is particularly prevalent in one place or among a specific group of people, it is illegitimate to require a medical examination as a condition of validity of a marriage contract. Given the great number of known genetic diseases, medical examination for all of them would render marriage difficult and lead to the spread of corruption (2006).

Qatar’s Ministry of Public Health has sought to defend the imposition of premarital medical tests on precautionary Islamic grounds:

Our True Religion, Islam, has put forward the rules and principles to build a healthy and sound family, in addition to live a happy marital life. Allah has directed us to take the right path by saying:

“Do not kill yourselves as Allah has been merciful on you...”. Our great Prophet said to the she-camel owner...“Shackle it first, then trust in Allah”.

From this understanding come [sic] our directives for all who intend to get married to have the pre-marital medical examination; because this is the way to protect our descendents [sic] against diseases which only appear after birth.
The muftis who work in the Ministry of Endowments and Islamic Affairs, however, are unwilling to simply endorse raison d’état and to fall under the hegemony of modern science. Their fatwas on consanguineous marriage and premarital medical tests suggest an instrumental approach to scientific expertise. Seen from Islamweb’s perspective, modern science does not place new epistemological demands upon the muftis, nor does it shake the epistemological foundations of their discourse. Rather, modern science is a resource that muftis use selectively and strategically to achieve certain goals (the promotion of marriage; the transmission of beauty) and prevent designated harms (disease; celibacy) in ways that assert the relevance of the Islamic legal tradition in a scientific age.

Divorce

The evolution of divorce rates has given rise to a moral panic in the Gulf. In some GCC countries, the twenty-first century codification of Islamic family law was partly based on the expectation that it would prevent or limit the effects of family breakdown. A codified family law was assumed to provide precise knowledge about the rights and duties of the spouses, thereby making marriage less conflictual and removing the uncertainties that characterized the outcome of family disputes when left to the discretion of individual judges. While Qatar is suspected of having the highest divorce rate in the GCC countries, the actual figures appear more ambiguous than the tone of public debate suggests. According to the Ministry of Culture’s Department of Youth Affairs, the reasons for divorce in Qatar are multifaceted: they include the absence of parental involvement in child upbringing, economic difficulties and debt, lack of proper work-family balance, and domestic violence. Rising divorce rates are also widely seen in Qatar as the outcome of policies that have weakened the tribal structure of Gulf societies, led to the decline of traditional forms of authority, and given rise to new expectations regarding gender roles. Sometimes the generous financial support given by the Qatari state to divorcees is also considered a factor. Qatar’s Ministry of Endowments has contributed to the debate, notably by publishing a book in its famous Kitāb al-Umma series, on “the causes and proposed solutions to the problem of family breakdown”. Given the importance of stable families and high fertility rates for Qatar’s development project, the state has put in place a number of measures to reduce divorce and prepare young couples for the tribulations of married life. Since 65.4% of divorces occur within the first five years of marriage, newly-weds have been at the heart of these initiatives. In the context of considerable intergenerational cultural transformation, pre-marriage counseling and educational programs have been made compulsory for Qataris applying for the state Marriage Fund. The Family Counseling Center (Markaz al-Istishārat al-‘āliyya) was established in 2003 in order to address disputes and reconcile couples before going to court. While these initiatives have enabled state power to penetrate more deeply into the social fabric of Qatari family life, they seem to have been successful in reining in divorce. According to the latest official figures provided by the Ministry of Development Planning and Statistics, divorce rates have decreased by almost 24% between 2009 and 2015.

For a wide range of social and political actors in Qatar, Islam is an instrument that can help combat divorce. Judging from the tone of Islamweb’s fatwas, this assumption appears to be largely correct. Divorce is such a sensitive issue that a 2004 ministerial decree excluded it from the purview of the Department of Da’wa and Religious Guidance
(which hosts Islamweb). The Department can issue oral fatwas on all sharia questions except for cases of divorce and a few other delicate matters. Divorce features prominently, however, in Islamweb’s online corpus. The Ministry’s cyber-muftis do not compromise on the irrevocability of the triple talāq — a contentious issue across the Muslim world. For Islamweb, a valid triple talāq is considered final by the consensus of the scholars, even in the absence of witnesses or certification (ishhād) (2010). In outlining the conditions of validity of talāq the muftis are considerably less flexible than the Qatari family code, which outlines a diverse set of criteria for the divorce to be deemed irrevocable (Art.106-117).

Despite this intransigence, typical of contemporary Wahhābī muftis, divorce is branded — following a well-known prophetic hadith — as the most despised permissible act. The muftis uphold a gendered conception of divorce: they construe divorce as a male privilege and a woman’s exception, to be granted only if the wife can offer a legitimate reason (2002, 2013). According to Islamweb, divorce leads in most cases only to regret, sorrow, the destruction of families and the displacement of children (2009). It should therefore be used only as the last resort (2010). The muftis encourage petitioners to exert their utmost efforts towards reconciliation (ṣulḥ). They urge the spouse who contacts them to exercise patience (ṣabr) and readily invoke the children’s welfare in the process (2009). Although the muftis contend that men are entitled to “discipline” their wives in order to deter them from disobedience, they confer on the woman the right to divorce if she is physically abused (2017). Separation, whenever it is required, should take place with kindness (bi-l-iḥsān). It does not end a familial relationship since the man will remain responsible for financial support (nafaqa) (2013).

**Dowry**

An important obstacle to marriage in Qatar is the elevated amount of dowry (mahr) sometimes requested by the bride’s family. The increase in dowry payments has been a concern in Qatar since the advent of oil revenues. In a response given to students of Qatar’s Religious Institute in 1965, Shaykh ‘Abd Allāh bin Zayd Āl Mahmūd declared his opposition to high dowries but recognized both his and the government’s inability to control them. Today, the dowry conditions are regulated in the 2006 Family Law (Art. 37-48). The detailed nature of the legal stipulations suggests that the payment of the dowry is a conflictual issue prone to dispute. Together with prohibitive marriage costs, high dowries are widely seen as causes of the growing rate of spinsterhood in the region. Islamweb recognizes this as a problem and adopts a critical perspective on the social practice (2000). The muftis are sometimes contacted from as far away as Tunisia by couples seeking interest-free loans in Qatar in order to be able to afford marriage (2011). Dowries, the muftis maintain, can be very small because “Islam seeks to facilitate marriage and hates expenses”. Although the Qatari law assumes the dowry to be at least partly monetary, for the muftis it can consist of an iron ring or teaching the woman how to recite the Qur’an (2011). They also encourage legal guardians to lower dowry expectations in order to facilitate marriage (2000).
Child Custody

Fiqh distinguishes between the custody (ḥādāna) and guardianship (wilāya) of children.\textsuperscript{117} The former includes place of residence and daily care; the latter involves decisions regarding education and health care. Contemporary legislative reforms across the Gulf have blurred this distinction and included provisions that go beyond traditional Islamic jurisprudence.\textsuperscript{118} In Qatar's 2006 Family Law custody is conceived as the child's right rather than the custodian's. The family code gives the mother priority over child custody, making the interest of the child paramount (Art. 166, 169). When ruling over custody rights, the Qatari judge is required to consider the capacity “to provide [a] good, safe and nurturing environment for the child” as well as the ability to provide the best medical care and education and to “inculcate good morals and customs” (Art. 170). At Islamweb, the muftis seem willing to accommodate — and sometimes extend — these legal reforms in the name of protecting the interests of the child.\textsuperscript{119} Child custody rights do not change according to the nationality of the petitioners. The muftis recall that the mother has the right to foster her daughter (2005).\textsuperscript{120} They mobilize the opinion of the Shāfi‘ī school to enable a daughter who reaches the age of puberty to stay with the parent of her choice.\textsuperscript{121} Breaking away from the traditional fiqh insistence — reproduced in Art. 168 of Qatar’s Family Law — that custody rights be transferred to the father upon the mother’s remarriage, the muftis argue that “there is nothing wrong” in a daughter living with an upright stepfather (2016).\textsuperscript{122} Moving abroad nevertheless transfers the custody rights to the father, except in the case of infants (2014).\textsuperscript{123} In two related fatwas the muftis commend a single adult woman who wishes to stay with her divorced mother for being “kind and dutiful” toward her parent (2018)\textsuperscript{124} and condemn a father who prevents his children from reaching out to close matrilineal family members (2009).\textsuperscript{125}

Conclusion

Hegemonic discourses in the Gulf today depict the stability of an endangered (and increasingly nuclear) family as critical to the region’s ability to preserve cultural values, develop knowledge societies, and integrate into the global structures of capitalism. The family has thus become the privileged site of the regulatory projects of multiple actors in the region, including state agents, tribal leaders, religious scholars, secular intellectuals, media practitioners, foreign experts and international consultants. Throughout the Gulf, these debates invoke a range of normative registers (sharia as well as customary practice, state law, social science, medical expertise, and international human rights discourse) and continue to take the form of a politics of modernity opposing “traditional” forces to “progressive” movements.

The muftis working in Qatar’s Ministry of Endowments and Islamic Affairs participate in these discussions as the bearers of a historically evolving religious tradition. Drawing on (and extending) the resources of the Ḥanbalī-Wahhābī school, the muftis seek to establish a monopoly of interpretation over family norms — an area which the Ministry has identified as a cornerstone of its religious mission. For these state-affiliated religious scholars, the family seems to represent the last remaining bastion of Islamic morality in a world perceived to be rapidly secularizing. In their answers to the tribulations of family life, the muftis champion early and universal marriage, condemn expensive dowries,
restrict the ability of guardians to prevent marriage on grounds other than piety, advocate polygamy, limit divorce, and extend mothers’ rights to custody in the interests of the children. The muftis assume that family cohesion follows naturally from knowing and respecting the rights of each family member according to the sharia — a theological assumption whose empirical foundation they do not seek to establish. Since they work within a textual tradition characterized by specific modes of reasoning and connected to an internal set of virtues and goals, the muftis stand in a complex relation to “modernization”. The fatwas remain largely within the patriarchal paradigms of traditional Islamic law. New understandings of family and domesticity can nevertheless be traced in the muftis’ valorization of companionship over compatibility in marriage, their reluctance to legitimize divorce, their apparent understanding of the irreplaceability of the mother (even divorced and remarried), their desire to reconcile traditional inequalities with the perceived requirements of family cohesion, and their tacit acceptance of the reconfiguration of the family as an object of state regulation. Qatar’s muftis thus continue to draw on the textual resources of the Islamic tradition and to affirm some of its key commitments while adopting modern sociological ideas and adjusting to emerging moral orders. Through adept use of digital technology, the Ministry of Endowments has successfully enhanced its ability to standardize Islamic legal opinions and extended the reach of (Wahhābī) Islam into Qatar’s social fabric.

The active interest religious authorities show in “the Muslim family” has often been seen as a reflection of their political and economic marginalization: muftis invest the family with an excessive symbolism (“an obsession”) in order to compensate for their exclusion from more fundamental issues of governance. In such a reading, religious institutions are seen as external to the modern state (or inessential to it), even when they are formally located within its apparatus, and family relations are construed as politically insignificant. This paper, by contrast, has sought to highlight how religious authority is constitutive of Qatar’s modern state formation and how fundamental political issues in the Gulf today revolve around family structures. In the perspective adopted here, the family is a key instrument through which Islamic discourse enters political debate, politicizes modernizing processes, and participates in nation-building projects. Religious institutions such as Islamweb and the Ministry of Endowments work within the state, not against or outside it, and they contribute to the remaking of the modern Qatari nation (even if the power relations under which they do so shift over time). The adoption of modern concerns and expectations regarding family cohesion has helped the Ministry of Endowments promote its understanding of Wahhābī Islam as a cornerstone of national cultural identity. In doing so, the Ministry has been empowered by the proliferating logic of state institutions in Qatar’s rentier economy, even when its ruling elite has embarked on projects that seem to privilege more technocratic forms of expertise. The work these religious actors do in a modern state formation is transformative rather than restorative, and therefore not adequately described as either “traditional” or “conservative”. If this analysis is correct, Wahhābī Islam in Qatar (and the Gulf) should not be depicted as an instrument that elites manipulate for their own goals. Rather, the actors and institutions associated with Wahhabism must be seen as a dynamic force that responds variously to state policy and social change and participates actively in state formation and nation-building projects. Since the family is a critical space for the production and reproduction of a modern citizenry, it will continue to feature prominently in the visions of the Gulf states’ religious institutions.
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1. In this article I use modernization and development interchangeably to refer to the set of policies that seek to foster a unified citizenry out of the tribal structures that populate the region. These policies typically entail the creation of a “modern society”, a new form of sociality (WAGNER, 2000) which the state now seeks to regulate and orient towards certain pre-determined goals (a self-reliant population, a productive and entrepreneurial workforce, a knowledge economy...). Historically, the regulation of family life in the context of the modern nation state has been a privileged site for tracking the emergence of this distinctive “social” rationality (DONZELOT, 1979; HASSO, 2010).

2. In its call for balancing tradition and modernity, identified at the very top of the country's “major challenges” (General Secretariat for Development Planning, 2008, p. 3), the Qatar National Vision 2030 provides a prime example of this mode of thinking. Although the traditional/modern binary has been widely critiqued as an essentialist and inaccurate description of actually-existing processes of transformation, it seems to structure the thinking of key actors in the Gulf. It is mobilized by government officials and public intellectuals in Qatar to promote new laws, explain new gender roles and expectations, and describe a wide set of cultural practices. It was precisely as a successful articulation of tradition and modernity that the 2006 codification of Islamic family law was presented in the Qatari media (“Al-naṣṣ al-kāmil li-mashru‘ qānūn al-shakhṣīyya”, Al-Rāya, 8 February 2005).

3. The rapid modernization policies undertaken since Qatar’s independence in 1971 have impacted women in distinct and often contradictory ways (ASMI, 2018; DE BEL-AIR, 2012; KASSEM & AL-MUFTAH, 2016; MONTIGNY, 2014). On the one hand, the growing demographic imbalance caused by the influx of foreign labor necessary for development has led to a renewed emphasis on universal marriage and high fertility. On the other hand, the turn towards a “knowledge-based economy” has led to greater female access to education and employment, transforming gender expectations and weakening the patriarchal structure of the Qatari family. Average age at first marriage has risen, together with divorce rates, and while fertility remains relatively high, female celibacy has emerged as a new trend. Many of these developments are shared across the Gulf.

4. HASSO, 2011.

5. ALSHAREKH, 2007, p. p. 11. The primary focus of this article lies on Qatari families. For accounts of migrant families in the Gulf, see AHMAD, 2017; GARDNER, 2011; LEONARD, 2002; and MAHDAVI, 2016.

6. The phrase is borrowed from Doha International Family Institute’s executive director, Noor Al Malki (AL MALKI, 2015).

7. Al-Atawneh’s monograph on the Saudi Dār al-Iftā’ describes only briefly the opinions of the Saudi muftis on women’s issues (AL-ATAWNEH, 2010, pp. 99–107). Al-Rasheed’s (2013) study of gender and politics in Saudi Arabia includes a full chapter on Saudi fatwas issued in the 1980s. Al-Rasheed attributes the prominence of gender and family issues in contemporary Saudi iftā to the growing visibility of women in the public sphere, the ulama’s marginalization from political and economic debates, and the state’s support for the creation of a new social and economic order based on moral and physical boundaries.
The author situates these developments squarely within the Saudi context, in particular the symbolic nature of Saudi women as markers of the nation’s piety and the crisis of legitimacy following the 1979 seizure of the holy mosque. Both studies are relevant because the fatwas of the Saudi religious establishment directly inform the rulings issued by Qatar’s cyber-muftis.

8. Islamweb’s fatwas are not binding on the population, nor are they enforced by a religious police. However, precisely because of their non-binding character, the fatwas provide unique windows onto the religious lives and aspirations of Qatar’s population — as well as the normative projects of its muftis. On Islamweb see Salhein, 2018. On the phenomenon of online fatwas, see among others Bunt, 2003; Gräf, 2014; Hosen, 2008; Marcotte, 2016. On fatwas more generally, see Masud, Messick & Powers, 1996.

9. This description draws loosely on Talal Asad’s depiction of Islam as a discursive tradition (Asad, 1986).


11. This approach to family cohesion, reflected in documents such as Qatar’s National Development Strategy 2011–2016, typically seeks to improve work–life balance for women, reduce domestic violence, and increase women’s empowerment (General Secretariat for Development Planning, 2011, p. p. 165). This language differs markedly from Islamweb’s discourse.

12. As political anthropologists have taught us, the state should be approached as a “multilayered, contradictory, translocal ensemble of institutions, practices, and people” (Sharma & Gupta, 2006, p. p. 6; see also Mitchell, 1999). My understanding of the state in the Gulf draws upon the work of scholars who have long been grappling with the issue, including Al-Rasheed, 2013; Gray, 2011; Hasso, 2011; Hertog, 2011; Kamrava, 2013, 2018 and Mitchell, 2013.

13. Kamrava, 2009. Qatar’s policy-makers acknowledge in this regard the necessity of “significant rationalization of the functions and roles of ministries and agencies” in order to achieve what they call “tighter policy cohesion” (General Secretariat for Development Planning, 2011, p. p. 4). However, the competing projects of state actors are not only — or perhaps not even primarily — the result of a lack of adequate planning that can be addressed by expanding state capacity. Fragmentation appears instead as a structural feature of a changing (and increasingly divided) society and of a political setting where the regime’s legitimacy rests partly on its ability to distribute power, expand institutionally, and co-opt potential challengers.

14. See Baskan & Wright, 2011, where the success of the Qatari regime’s neutralization of the religious establishment is related to the absence of an indigenous class of ulama. In the Ministry of Endowments, the leadership is mostly Qatari but two-thirds of the staff are not (“Citizens form 33% of Awqāf Ministry Staff”, The Peninsula, 17 January 2015). For an ethnographic study of the life of foreign imams in Qatar, see Candra, 2015.

15. This is a slight downgrade from sharia’s position as the principal source (al-maṣdar al-ra‘īs) in the 1972 Amended Provisional Constitution. The change has seemingly passed unnoticed in the local media, which continues to refer to sharia as the main source of Qatar’s legislation. The constitutional question of whether the sharia should be the or a main source of legislation has proved a thorny one in the twentieth century (for the Egyptian case see for ex. Bernard-Maugiron & Dupret, 2002; Lombardi, 2006).


18. On the Muslim Brotherhood in Qatar see Freer, 2017. The importance of Yūsuf al-Qaradāwī for Qatar’s foreign policy has often been emphasized in the secondary literature. Although he is popular among sections of the local population and respected within the Ministry of Endowments, Qaradāwī’s influence in Qatar’s domestic scene seems marginal. The ulama organization which he heads, the International Union of Muslim Scholars, is based in Doha but avoids speaking on Qatar’s domestic issues. The Ministry’s muftis discussed here urge petitioners to treat Qaradawi’s views like they would any other person’s: if they conform to scriptural evidence, they should be followed; if not, they should be discarded (http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=FatwaId&Id=217090). The boundaries between Wahhabism and the Muslim Brotherhood seem nevertheless increasingly blurred in Qatar as Wahhabi institutions expand the reach of their activities through their incorporation into a modern state apparatus and the Brotherhood refrains from critiquing a regime its members have largely benefitted from.

19. On Qatar’s recent attempts to integrate religion and science in state educational programs see Doukmak, 2017.


23. Personal communication with employee of the Ministry of Endowments and Islamic Affairs, Doha, October 2016.

24. Qatar’s “native population” is in fact more religiously diverse than is often recognized. Although Hanbalism is the madhhab of the ruling Āl Thānī family since the late nineteenth century, Qataris follow a variety of Islamic legal schools, including the previously dominant Mālikī school, Shāfi’īsm, and (for the Shi‘ī minority) Ja’farism.

25. See on this point Montigny, 2014.


27. As Fromherz (2012, p. p. 19) has argued in his modern history of Qatar, “Gulf tribes have valued pragmatic independence more than ideology, adopting, for example, a form of ‘Wahhabism-lite’ more flexible than that found in Saudi Arabia”.

28. See Kassem & Al-Muftah, 2016. Although tribalism now constitutes an embarrassment for sections of Qatari society, its relevance has not simply decreased over the course of the twentieth century. As Montigny (2014) has pointed out, Shaykh Ḥamad Bin Khalifa’s reign contributed to the rehabilitation of tribal links in the public sphere. Tribal affiliation continues to be an important consideration in marriage practices, even if this is nowhere mentioned in family law. On the continuing relevance of tribalism in Qatar see also Alshawi & Gardner, 2013.

29. The success of this strategy can be seen in the inauguration of Qatar’s national mosque in 2011. Although his reign is usually associated with a decrease in references to Wahhabism (Montigny, 2014), Shaykh Ḥamad Bin Khalifa chose to name the new mosque after Muḥammad ibn ‘Abd al-Wahhāb “in reflection of the State of Qatar’s intention to
revive the nation’s symbols and its cultural values” (“State Mosque officially opens Friday with new name”, Doha News, 14 December 2011).

30. For an analysis of religious talk-shows in local Qatari television channels see AL-DOSARI, 2016.

31. IslamOnline — one of the most prominent Muslim websites in the first decade of the twentieth century — was founded in 1997 with the support of the Qatari state. Staff associated with IslamOnline in Doha often depict Islamweb as a pale Wahhābī imitation of their site. Islamweb’s employees appeal to a more conservative audience and do not share IslamOnline’s ambition to go beyond traditional fiqh discourse. However, they have also succeeded in gaining attention and credibility in the Arab world. On IslamOnline see ABDEL-FADIL (2013, 2016) and GRÄF (2008, 2014).

32. The importance of media under Shaykh Ḥamad Bin Khalīfa is epitomized of course by the establishment of the satellite television network Aljazeera in 1996 (TALON, 2011; ZAYANI, 2005). Unlike Aljazeera, however, Islamweb’s connection to the Qatari state is not prominently displayed. Many users associate the website with Saudi Wahhābī doctrine. Qatar’s unwillingness to draw international recognition from Islamweb helps to shield the regime from controversy over “extremist interpretations” — a significant benefit in the post-9/11 context of “war against terror”. This unwillingness also suggests that the website’s primary function is a domestic one. Islamweb can be seen in this regard as a tool used to demonstrate — primarily to local audiences — the relevance of Wahhābī Islam to contemporary life and an instrument through which the Ministry of Endowments seeks to extend its reach into the social fabric of Qatari society.

33. “Resolution of the Minister of Endowments and Islamic Affairs No.6 of 2004 Reorganising Sections of the Administrative Units forming the Ministry” (www.almeezan.qa).

34. While differences can sometimes be detected in Islamweb’s fatwas (for ex. on the permissibility of living in non-Muslim lands or the status of watching football on television), users are often quick to point out existing discrepancies, forcing the muftis to reconcile or harmonize the opinions. Islamweb facilitates the standardization of Islamic advice through its refined search engine and its practice of cross-referencing fatwas.

35. Islamweb provides the number of visitors for its Arabic fatwas: the 391 Arabic fatwas that mention Qatar or Doha have been read 619,472 times, which makes an average of 1,584 visits per fatwa. No numbers are available for the English texts.

36. Personal communication, Ministry of Endowments and Islamic Affairs, Doha, 2018.


41. The quote is from a collection of fatwas by the longstanding chairman of Qatar’s Presidency of Sharia Courts, Shaykh ‘Abd Allāh Bin Zayd Āl-Maḥmūd (2014, p. 178), but the opinion it expresses represents commonsensical views among contemporary ulama. Mūhammad ibn ‘Abd al-Wahhāb collected books of ḥadīth on marriage and divorce, which he found largely self-explanatory and unworthy of further commentary. He did not write about the family as such and would probably be surprised by its centrality in contemporary Wahhābī discourse. The effects of these new conceptions of family and domesticity for women in the Gulf have been ambivalent (Abou-Bakr, 2012).

42. The citation comes from Bray, 2011, p. 736. The notion of the family (bayt) invoked by Bray differs from its current usage in Islamic legal discourse in crucial ways. Premodern Muslim jurists operated with an implicit notion of the family when drawing, for example, the list of moral and legal responsibilities that moral agents owed other kin members. However, they rarely spoke about “the family” as such; they spoke instead of marriage and divorce, husbands and wives, parents and children (Tucker, 1998, 2008; Sonbol, 2013). One could say that the absence of an objectified conception of the family precluded its emergence as a specific target of legal intervention. On the family in Islamic civilization, see Benkeira, Giladi, Mayeur-Jaouen & Sublet, 2013. On the emergence of a modern concept of the family in the Arab world, now designated as usra or ‘ā‘īla, see Asad, 2003, p. 227–235. For a distinction between the two modern Arabic terms, Hasso, 2011, p. 26, and El Guindi, 2011.

43. An authoritative account of how Islamic law came to be redefined and reduced to “personal status” (al-ḥāl al-shakhṣiyya) laws in the modern nation-state can be found in Hallaq, 2009. For an illustration of how the British authorities sought to restrict the sharia in Qatar to family issues see Brown, 1997.

44. Traces of this nineteenth century “division of the world” (Abu-Lughod, 1998, p. 17, referring to Chatterjee, 1993) can be readily found in the religious discourses of twentieth century Gulf scholars, even though the region was never formally colonized. When Shaykh ‘Abd Allāh bin Zayd Āl Maḥmūd wrote that “the wife [who] is a school for her sons, daughters and household members, caring for her husband’s home and responsible for her flock, and whose integrity is the integrity of her sons, daughters, and household members, [acts as] the authentic housekeeper” (Āl Maḥmūd, 2015, p. 238), he seemed to be almost literally reproducing the discourses on domesticity developed by late nineteenth and early twentieth century Egyptian nationalists.

45. Welchman (2012) discusses some of the empirical evidence for this claim in the Gulf.

46. My discussion below is based primarily on a selection of the approximately 500 fatwas that refer to Doha or Qatar in the Arabic or English archives of Islamweb (0.25% of the website’s entire corpus of over 200,000 fatwas). In the Qatar corpus, the fatwas deal primarily with social and economic transactions (fiqh al-mu‘āmalāt, 33%), family issues (fiqh al-usra al-muslima, 24%), and ritual practices (‘ibādāt, 21%). Four categories of petitioners can be readily identified: Qatari nationals, Arab expatriates, Asian migrants, and Western Muslims. The profiles of the petitioners include different age groups, both genders, and a variety of socio-economic profiles and occupational fields. The muftis who answer their questions come mainly from Mauritania, Egypt, Sudan, Qatar and Yemen and are often trained in Saudi Arabia’s Islamic universities. I list the year of each fatwa I discuss at the end in brackets.
47. Although these views do not exhaust contemporary Qatari understandings of family life, they are privileged in the local media.

48. The code, available at http://almeezan.qa/LawArticles.aspx?LawTreeSectionID=8718&lawId=2558, claims to follow the dominant view of the Ḥanbalī school (Art. 3). Art. 10 links marriage to “a formal contract issued in accordance with the law” but leaves the possibility of legal recognition of un-registered marriages open, “as an exception”, if “it may be proved by other evidence”. Marriage requires “full content in verbal pronouncements” for both spouses, the bride’s guardian, and witnesses. Polygamy is a male privilege that cannot be refused even if the husband’s financial inability is proved (Art. 14). The minimum age for marriage is 18 for men and 16 for women (Art. 17). A medical certificate specifying that the parties are free from genetic diseases must be submitted and revealed to the other party, but the notary cannot refuse to authenticate the contract as a result of the medical examination without the parties’ consent (Art. 18). The rights of spouses outlined in the law fall into three groups: mutual rights (protection of chastity, lawful cohabitation, mutual respect for each other and each other’s relatives), rights of the wife (dowry, maintenance, permission to visit relatives, respect of private property, physical integrity, and equal treatment in the case of polygamy), and rights of the husband (care, obedience, effective household management, and children’s care). The law recognizes four types of separation: unilateral male divorce (talaq); negotiated divorce prompted by the wife (khul’ or muhkāla’a); annulment by judicial decree (faskh); and death of a spouse (Art. 101). For a comparative study of the Qatari family code see Welchman, 2012. Although the fatwas discussed in this article are issued before and after the promulgation of the family law, it is not possible to study in detail here the impact of codification upon the muftis’ work.


57. The extent to which these considerations continue to shape the work of Qatari judges cannot be ascertained here.

58. http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=Fatwaid&Id=147289. Qatari law requires the foreign husband to be “financially viable to support his dependents”. However, in this fatwa, the muftis go to great lengths to argue that although the husband is financially responsible for his wife, a woman can forfeit this right if she wishes to marry a man who cannot afford it and she has other financial means. Underlying the muftis’ reasoning seems to lie both an understanding of the Qatari woman’s financial autonomy and an implicit valorization of companionship in marriage.


65. See for example “Wadā’an ta’adud al-zawjāt wa marḥabān bi-l-‘anūsa”, Al-Rāya, 1 November 2010.


75. Law 21 of 1989 Regarding the Regulation of Marriage to Foreigners. In the aftermath of oil, nationality has become a key consideration across the region (DRESCH, 2005, 2006; LIMBERT, 2007). The Qatari state’s oversight of cross-national marriages was confirmed in the 2006 Family Law. The state regulation of cross-national marriages reinforced religious discourses warning Qatari men against marrying Christian and Jewish women (kitābiyyaī),
even though this is permissible in sharia, due to the fear of detrimental effects upon religiosity. Such occurrences must have been common enough to elicit a written response in 1975 by the then chairman of the Presidency of Sharia Courts, Shaykh 'Abd Allāh Bin Zayd Āl MAHMūD (2015, p. p. 236–243).

76. ALHARAHSHEH & AL MEER, 2018, p. p. 5.

77. http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=Fatwaid&Id=221299. As Paul DRESCH (2006) has noted, the lack of contestation over the state's right to legislate on these matters is indicative of a shift in the moral order of Gulf societies.


83. “54% nisbat zawāj al-aqā'īb fi Qāṭar,” al-Sharq, 9 June 2016. The scientific evidence for this is discussed in KILSHAW, AL RAISI & ALSHABAN, 2015 and SHABANA, 2017.

84. KILSHAW, AL RAISI & ALSHABAN, 2015.


86. On the emerging field of Islamic bioethics, and the collaboration between religious scholars and medical practitioners that characterizes it, see GHALY, 2015 and SHABANA, 2017.


91. Between 1996 and 2005, divorce dropped by 3.5% (ANSER, 2014, p. p. 66). According to the Qatari government, divorce rates increased from 1995 to 2009 (Qatar Governmental Portal, “Marriage and family”), but they have gone down from 2009 to 2015, as I discuss below. Official figures may be misleading, however, given the fact that some citizens may choose not to declare their divorce (ANSER, 2014, p. p. 59); see also DE BEL-AIR, 2012).


93. A 2014 overview of divorce in the GCC region highlights a number of additional reasons, including unrealistic understandings of family life and differences in age, education and socio-economic status between spouses (ANSER, 2014, p. p. 60). Ironically, many of these considerations would have been taken into account by judges and notaries under more capacious understandings of kafā'ā than those adopted by Qatar’s muftis and legislators.

95. The book, co-written by Amīna al-Jābir, Ṣāliḥ ibrāhīm al-ṣaniʿ and Shaykh al-ʿAnūd bint Thāmir ʿĀl Thānī, was originally published in 2001. It has been made available freely at Islamweb (http://library.islamweb.net/newlibrary/display_umma.php?lang=&BookId=283&CatId=201).


100. As an example of this widespread way of thinking, the Ministry of Culture’s presentation of a report on divorce rates in Qatar included a panel discussion entitled “Islamic Rules in order to stop divorce” (“Divorce rate among Qataris declines”, op. p. cit.).

101. This has not always been the case. Historically divorce was widely practiced and accepted in Muslim societies (RAPPORT, 2005). Shaykh ‘Abd Allāh Bin Zayd ʿĀl Māhmūd remarked ironically how Christians used to criticize Muslims for their lenient views on divorce before recently coming round to the Islamic position (ʿĀL MAḤMŪD, 2015, p. p. 290–291). On the ways in which contemporary muftis have incorporated modern ideas about marriage and divorce see also AL-MARAKEBY, 2016.

102. According to article 15 of the Resolution of the Minister of Endowments and Islamic Affairs No. 6 of 2004 Reorganising Sections of the Administrative Units forming the Ministry, the Department is responsible for “replying orally to public inquiries on legal issues (al-qāḍāʿī al-sharʿīyya), except for matters of divorce (ṭalāq), breastfeeding (ridāʾa), inheritance (mawārīth), and penal laws (ḥudūd)” (www.almeezan.qa).

103. The fatwa is in line with Saudi iftā’, it is more stringent that Shaykh ‘Abd Allah Bin Zayd ʿĀl Māhmūd’s rulings on the issue (see ʿĀL MAḤMŪD, 2014, p. p. 206–207).

104. The ḥadīth abghaḍ al-ḥalāl ilā Allāh al-ṭalāq is found in one of the canonical collections, the Sunan Ibn Māja, and is often the starting point for debates about divorce in Qatar (see for ex. the episode on “Al-Ṭalāq” in the religious talk show Al-Mutawwa’i, Al-Rayyān Channel, 8 June 2012). The ḥadīth collections include a plethora of other texts representing divorce both as a common practice and a woman’s right.


111. Āl-Maḥmūd, 2014, p. p. 177–183. The regulation of the dowry was also a topic discussed several times in Āl-Maḥmūd’s Friday sermons.

112. One religious scholar has recently called for launching a national campaign against high dowries (Rāshid al-‘Awda al-Faḍlī, “Shabābunā bayna al-i’fāf wa-l-inhirāf”, Al-Sharq, 26 March 2018; see also Muḥammad ibn ‘Alī al-Kubaisī, “Al-‘unūsā fi Qaṭār”, Al-Sharq, 22 April 2012). The establishment of a state marriage fund to facilitate marriage has also been much discussed in the media across the GCC. For discussions in Saudi Arabia see Al-Atawneh, 2010, p. p. 100.


117. This distinction resembles that between physical and legal custody in the United States (Ibrahim, 2015, p. p. 859.)


119. For an account of how the “basic” and “best” interests of the child featured in premodern Islamic legal discourse see Ibrahim, 2015.


121. Although the muftis fail to point it out, this view is also found in the Ḥanbalī school (Ibrahim, 2015, p. p. 861).

122. http://www.islamweb.net/emainpage/index.php?page=showfatwa&Option=Fatwald&lang=E&Id=308878. This has been a thorny issue in the Arab world, given the existence of a prophetic hadith in one of the six canonical collections that gives the woman the right to custody until she remarries (Sunan Abī Dāwūd 2276). This was the opinion stated by Shaykh ‘Abd Allāh Bin Zayd Āl Maḥmūd in one of his fatwas (Āl Maḥmūd, 2014, p. p. 253–254). By extending the mother’s custody over her children after remarriage, Islamweb’s muftis come closer to premodern legal practice than juristic discourse (Ibrahim, 2015). In an earlier fatwa (2005), the muftis suggest that the mother’s remarriage would shift custody toward other female relatives or the father (http://www.islamweb.net/emainpage/index.php?page=showfatwa&Option=Fatwald&Id=89647).

This article explores the politics of family cohesion in a Muslim polity simultaneously committed to the application of Islamic law, the preservation of cultural identity, and socio-economic modernization. The article focuses on the work of Qatar’s Ministry of Endowments and Islamic Affairs, a government body that seeks to make Wahhābī Islam relevant to a society in the midst of rapid social change. Drawing on an analysis of the Ministry’s fatwas on family life, the article shows how Qatar’s media muftis have incorporated modern assumptions into their discourse and adjusted to new power configurations. The dissonance between the discourses articulated within official religious institutions and those found in other state bodies reflects the growing polarization of Qatari society, the normative pluralism undergirding modernization in the Gulf, and the regulatory ambitions of proliferating state institutions in a rentier economy.

Cet article analyse les contestations autour de la notion de cohésion familiale dans un État musulman qui cherche simultanément à faire appliquer la loi islamique, à préserver ses traditions culturelles, et à moderniser la société et l’économie. L’article porte sur le travail du ministère des Habous et des Affaires islamiques du Qatar, une institution gouvernementale qui essaie de rendre l’islam wahhabite pertinent dans un contexte de changement social rapide.

Partant d’une analyse des fatwas du ministère sur les questions de la vie familiale, l’article démontre comment les cyber-muftis de l’émirat ont incorporé des concepts modernes dans leur discours et se sont adaptés à de nouvelles configurations de pouvoir. La dissonance qui existe entre le discours des institutions religieuses officielles et celui des autres agences gouvernementales reflète les clivages croissants de la société qatarie, le pluralisme normatif qui sous-tend les processus de modernisation dans le Golfe, et les ambitions régulatrices de l’état proliférant dans une économie rentière.

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Mots-clés: modernization, Qatar, Wahhabism, Islamic law, family law, fatwa, internet
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