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and the Origins of Arab Self-Determination
(1916-2016)**

Malik R. Dahlan

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Malik R. Dahlan

The Centre for Global Constitutionalism
School of International Relations,
Arts Faculty Building,
The Scores,
St Andrews,
KY16 9AX

Malik R. Dahlan is the Principal of Institution Quraysh for Law & Policy and a Chaired Professor of International Law, Trade, and Policy at Queen Mary University of London. He was a visiting fellow of the University of Cambridge Lauterpacht Centre for International Law. He completed his graduate degrees in government, law and Middle Eastern studies at Harvard University and his Professoriate Habilitation in Al-Azhar University.

**THE HIJAZ IN PERSPECTIVE:
ISLAMIC STATEHOOD AND THE ORIGINS OF ARAB SELF-DETERMINATION
(1916-2016)¹**

Malik R. Dahlan

1. INTRODUCTION

The Hijaz (Hejaz and Hedjaz, الحجاز *al-Hiǧāz*) is an obscure Arabic geographic designation to the western region of the Arabian Peninsula. In Arabic, the word means barrier which denotes the mountain range that separates it from the central Arabian plateau. In 1916, the Hijaz attempted an Arab Renaissance, through what is known as the Arab Revolt against the Ottoman Empire, to achieve its three goals, of fighting poverty, disease and ignorance. Today, the word seems to be folded into historical texts, and into its modern mother state, Saudi Arabia. Yet the Hijaz opens our eyes to the world of Islam, and to the not too distant international legal history that defines the modern-day Middle East. This paper asserts that the crisis in the Middle East can be understood best in the context of Islamic governance and international legal history. The Hijaz is central to such understanding.

The Hijaz, home to the Two Holy Cities of Makkah and Medina, Islam's holiest sites, and host to millions of Muslim pilgrims annually, was not only the political driver of Arab self-determination but was indeed the first Islamic state - yet there is little or no modern international legal history texts on it. By understanding the legal history of the Hijaz State (and Saudi Arabia), a greater conception of the origins of Islamic statehood can be used to analyse current legal and public security challenges, including Islamic militant groups such as the *DA'ISH (Al-Dawlah Al-Islamiyah fe Al-Iraq wa Al-Sham)*.²

A deeper examination of the Hijaz confronts some controversial doctrinal aspects of Islamic statehood and places competing notions of the caliphate in a historic context. The ideal caliphate, at times, corresponds to the anachronistic concept of governing the '*umma*' or collective global Muslim community – a sense of collective citizenship, or *collectivity* for which there is no exact and consistent equivalent in English. Similarly, the word 'state' does not exactly translate into Arabic, neither is the concept given a full and unambiguous treatment within the Islamic legal tradition. *Dawlah*, a central concept to the propaganda of groups like DA'ISH, referred to the rising fortune of their household, not the apparatus of government.³

Ultimately, comprehending Islamic doctrine becomes a matter of policing the boundaries between epistemologies. Islamic scholars such as Abdalrazzak Al-Sanhuri Pasha (d. 1971) and Ali Abdel al-Raziq (d. 1966) particularly debated the

¹ This article addresses some of the concepts and themes analysed in a larger more detailed upcoming international legal history book.

² DAISH, is the Arabic acronym for the group also known as Islamic State of Iraq and Syria (ISIS), Islamic State of Iraq and Levant (ISIL) or Islamic State (IS)

³ At best *Dawlah* historically referred to the rising fortune of a household, not a sense of "imagined community", but more the creation of the idea of the Islamic apparatus of government.

concept of the caliphate following its fall in 1924. Abdel al-Raziq denied the caliphate altogether and challenged the conventional understanding of the political aspects of Islam.⁴ Al-Sanhuri Pasha, on the other hand, argued for alternatives including an international organisation and the codification of Islamic Law in his doctoral thesis '*Le califat: Son evolution vers une Société des nations orientales*'.⁵ More recently, Radwan El Sayied has argued that the concept of an 'Islamic state' is used differently today from what it was widely believed to be among Muslim scholars in the past.⁶

This paper reflects on the international legal origins of Islamic statehood, beginning with the Arab Revolt of 1916, just over one hundred years ago, and the short life of the Kingdom of Hijaz, a founding signatory of the League of Nations and the first Arab state therein. As a precursor for this 'hidden narrative', this paper underlines the birth of Islamic statehood a thousand years back and its negotiation with nationalist historiography and the notion of an 'idealised state' in the venture of Islam - The Hijaz.

The study ultimately concludes with reflections on current ills and the danger of failed states in the current map and a regional collapse (and possibly the dangers of the status quo), making the case that the Hijaz is an 'integrative' solution for a looming Middle East Westphalian moment.⁷ As such, the Hijaz's full integrative potential for a Westphalian balance in the ongoing confessional conflict can only be realised if it is decoupled from the confessional radicalism of the idea of a Wahhabi state. To wit, collective benefit can be achieved if the Hijaz were allowed to enjoy a distinct special semi-autonomous, self-governed, internationalised status which would reflect both the historical claim of its people for some form of international protection and autonomy, as well as its unique special international status as, in a sense, a place for the resolution of dispute and the jurisprudential and spiritual commonwealth of the Islamic world and indeed a common heritage of mankind. The paper therefore posits a new theory on 'integrative internationalisation' for the Hijaz which is in and of itself an innovation in the field of international law.

Seen from a purely pragmatic point of view, such a move would allow the Hijaz to escape 'the self-determination trap' as explained by Marc Weller.⁸ It would also allow the Saudi state a wider geographic unity in the Arabian Peninsula with the

⁴ See; Al-Sanhuri, Abd al-Razzak, *Fiqh al-Khilafah Wa Tatawaruha Li Tusbih' 'Usbat Umam Sharqiyya* [The jurisprudence of Caliphate and its development to be an oriental league of nations] Cairo, 1989.

⁵ He argued that Abdel al-Raziq had confused two things: 1) the existence of the caliphate, and 2) the selection of the caliphs. Al-Sanhuri, Abd al-Razzak, *Fiqh al-Khilafah Wa Tatawaruha Li Tusbih' 'Usbat Umam Islamiyya*, [The jurisprudence of Caliphate and its development to be an Islamic league of nations] Cairo, 1989.

⁶ Contribution at Al-Azhar conference in countering terrorism and extremism held 4/12/2014.

⁷ Simms, Brendan, Michael Axworthy and Patrick Milton, 'Ending the Thirty Years War: Why the real history of the Peace of Westphalia in 17th-century Europe offers a model for bringing stability to the Middle East.' <http://www.newstatesman.com/politics/uk/2016/01/ending-new-thirty-years-war> (last accessed 21 November 2016)

Axworthy, Michael and Patrick Milton 'A Westphalian Peace for the Middle East: Why an Old Framework Could Work', *Foreign Affairs*, 2016, <https://www.foreignaffairs.com/articles/europe/2016-10-10/westphalian-peace-middle-east> (last accessed 21 November 2016).

⁸ Weller, Marc, 'The Self-Determination Trap', *Ethnopolitics*, vol. 4, No.1, March 2005, pp. 3-28, at p. 27

Islamic duty of protecting the Holy Cities, a task that has been a continual source of instability following sieges and armed attacks in 1979 and 1989, a confrontation with Iranian pilgrims in 1987 in which, officially, 400 died, and several Hajj stampedes with the most recent in 2015.⁹ In September 2015, Iran's President used the UN General Assembly's pulpit to call for international protection and joint custody over the Holy Sites.¹⁰ An authoritative Hijaz narrative would counter other radical Islamic narratives including the seemingly interventionist Iranian revolutionary proposal.¹¹

An autonomous Two Holy Cities system would also present the Saudi state with an opportunity to for international protection while reducing its 300-year-old dependence on Wahhabism, which was once a source of ideological unity of Arabian tribes – in the absence of any shared economic or social theory – but is now looking increasingly like a source of perilous instability, both internally and globally. Such a move may be vital to allowing the Kingdom of Saudi Arabia to confront the challenges of an increasingly threatening world. For it is not only the abhorrent *neo medievalist* DA'ISH that is eyeing the Hijaz but the anti Western front led by Shi'ite Iran, Russia's ally, that also looks at its holiest sites in Makkah and Medina with possessory interest.¹²

2. THE HIJAZ AND THE RISE OF THE MODERN STATE

The first three decades of the twentieth century represented an era of revolutionary change in the world order. With the rise and fall of empires, the inception of new political ideologies and the re-imagining of identity (especially national identity) were weighty considerations in the re-fashioning of the international system. With the end of the First World War, the necessities of peace, the struggle

⁹ Stratfor, 2007, 'The Hajj: Challenges and Opportunities', Stratford Worldview, 2007, https://www.stratfor.com/weekly/hajji_challenges_and_opportunities, last accessed 12 November 2017. Also see:

John Kifner, '400 Die As Iranian Marchers Battle Saudi Police In Mecca; Embassies Smashed In Teheran', New York Times, 1987, <http://www.nytimes.com/1987/08/02/world/400-die-iranian-marchers-battle-saudi-police-mecca-embassies-smashed-teheran.html?pagewanted=all>, (last accessed 3 March 2016). Saudi officials reported 769 pilgrims had died but reports from other nations claimed the numbers were underestimated and the dead toll was over 1000. See: 'Hajj stampede: What we know so far.', BBC 2015, <http://www.bbc.co.uk/news/world-middle-east-34357952>, (last accessed 12 November 2017). Also see: 'Hajj stampede: Iran's Rouhani calls for investigation at UN', BBC, Middle East, 2015, <http://www.bbc.co.uk/news/world-middle-east-34368387>, (last accessed 12 November 2017).

¹⁰ See; statement by H.E. Dr. Hassan Rouhani President of the Islamic Republic of Iran at the General Debate of the General Assembly of the United Nations 28 September 2015. For access, see: https://gadebate.un.org/sites/default/files/gastatements/70/70_Iran_en.pdf.

¹¹ On the first anniversary of the 2015 stampede, in which it was reported that 2,426 people died, Iran's Supreme Leader stepped up the rhetoric and accused the Saudis of 'murdering' pilgrims and once again urged reform over the custody of the sites, see: www.bbc.co.uk/news/world-middle-east-37274243 (accessed March 2016)

¹² BBC reporter Andrew Hosken released a map detailing Da'ish's ambitions to capture huge landmasses including the Hijaz. See for context: Mark Aitken, 'The world according to ISIS: Redrawn map reveals terror group's blueprint to take over huge territory', Daily Record, 2015, <http://www.dailyrecord.co.uk/news/uk-world-news/world-according-isis-redrawn-map-6222005#jLLHrTkZYmcfJrCd.97> (accessed 3 March 2016)

for self-determination, together with the national interests of the world's great powers were the most prominent factors in the development of the new world order. Like any period of transformation, newly minted concepts and doctrines (like any evolving principle) were subject to differences of interpretation and imagination. While legal notions of statehood and self-determination developed much traction in the period following the First World War, these concepts were plagued by contending claims and competing interests of world powers.

Whatever the formal political status of The Hijaz, it has always been designated a special status as the Holy Territory, the Home of God, and as such has been the single most important centre of Islamic civilisation. This was clearly true during the lifetime of the Prophet, and while it was the administrative capital of the Arab tribes in the 40-year caliphates of the *Khulafah al-Rashidun* [Rightly Guided Caliphs] in Medina. Then, when the seat of government moved from Damascus to Baghdad, Cairo and Istanbul, it continued to function as the centre of Islam; indeed, a primary purpose of the secular power of the sultan was to ensure that all believers were able to complete the Hajj in safety. Accordingly, rulers of the Umayyads, Abbasids, Fatimids, Mamluks, Hashemites, and Ottomans, all styled themselves in some form or another: Custodian of the Two Holy Mosques. Only the dynasty governing it could claim the title of the caliph, thus dominion over the Holy Cities gave the rulers religious legitimacy among the Muslim population. They competed to offer patronage to its inhabitants and supply the *Ka'ba* with its annual cloth.

The Hijaz was, therefore, uniquely significant for the religious and the secular legitimacy of the Ottoman Sultans, who assumed sovereignty over the area in 1517 and adopted the title 'Servants of the Two Holy Places'. Their control over the Hijaz, as caliphs, secured the loyalty of their Muslim subjects, raised their prestige among Muslims living outside the empire and expanded their influence abroad under the banner of Muslim solidarity.¹³ As late as the reign of Sultan Abdulhamid II (1842-1918), the Hijaz was regarded as 'the jewel in the crown of the exalted caliphate'.¹⁴

Even while the Hijaz was firmly in the possession of a single authority, in a wider sense it belonged to the whole of the Islamic world. Every Muslim had a duty to travel there, if they could. Many countries donated money to the province, and it was subjected to only nominal taxation by the central government, which was offset with large subsidies to support local administration and the maintenance of the holy sites, and to pay off Bedouin raiders.¹⁵ More money flowed in from Egypt, the Indian Muslim states and also from private citizens.¹⁶ In his examination of these subsidies paid by the central Ottoman government, William Ochsenwald noted that since the Hijaz was located on the remote southern frontier of the Empire, the primary concern of the central government was to ensure its security.¹⁷ But it was the religious

¹³ Buzpinar, S. Tufan 'The Hijaz, Abdulhamid II and Amir Hussein's Secret Dealings with the British, 1877-80' (1995) *Middle Eastern Studies*, Vol. 31, No. 1, p. 99.

¹⁴ Deringil, Selim *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909* (2004) London: I.B. Tauris Publishers, p. 54.

¹⁵ Buzpinar, S. Tufan 'The Hijaz, Abdulhamid II and Amir Hussein's Secret Dealings with the British, 1877-80', p. 101-102

¹⁶ Ochsenwald, William 'Ottoman Subsidies to the Hijaz' (1975) *International Journal of Middle Eastern Studies*, Vol. 6, No. 3, p. 301.

¹⁷ Ochsenwald, William 'Ottoman Subsidies to the Hijaz', p. 302-303.

importance of the Hijaz to the Empire that gave it its virtual immunity from external religious and political influence. In other words, the Ottoman special status *vilayet* of the Hijaz enjoyed a *sui generis* status: remote from the capital and not densely populated, it had not been fully integrated into the centralised administrative and military system of the Empire.¹⁸ Crucially, its citizens were exempted from military conscription.

The governance of the Hijaz had a structure that was not present in any other Ottoman *vilayet*. It was a kind of state within a state.¹⁹ Although the Sultan's representative, known as the *vali*, governed it institutionally, in reality he shared his authority with the *Sharif* of Makkah, who was also appointed by the Sultan.²⁰ Because of the prestige and respect that the sharifs enjoyed, and the fact that their traditional rule in the Hijaz dated back to the time before Ottoman control, the imperial influence in the Hijaz depended on the loyalty of the indigenous power brokers. The Ottomans were officially guardians of the Holy Places but they were not able to exercise that privilege without the co-operation of the Quraysh Emir of Makkah.²¹

The Grand Mosque of Makkah was itself an institution that exerted great influence within the Hijaz and the wider Islamic world. It was a hub for religious scholars and jurists, and a touchstone for luminaries, legal traditions and professional disciplines. The Grand Imam of the Two Holy Mosques usually had a connection with the sultan and was normally a *sayyid*, that is, a descendant of Prophet Mohammad. From 1880 onwards, the idea of an 'Arab caliphate' gathered pace and the Ottoman sultans began to fear that the loss of the Hijaz might be a blow to imperial unity and also a threat to their legitimacy as caliphs.²² Moreover, British attention was becoming more fixed on the region, in particular the Sudan and the Horn of Africa – a fixation that would reach its climax in the Fashoda incident in 1898– and the fear of British intrigue pushed the Ottoman government into propaganda campaigns that emphasised the sultan's status as the 'Caliph of Islam'.²³

¹⁸ Vilayet was a top level administrative division or province, introduced by the Law of the Vilayets in 1864, gradually implemented in all areas of the Ottoman Empire

¹⁹ Teitelbaum, Joshua, *The Rise and Fall of the Hashemite Kingdom of Arabia* (2001) New York: New York University Press, p. 12.

²⁰ The title of the leader of the Sharifate of Makkah, traditional guardian of the holy cities Makkah and Medina and descendant of Prophet Mohammad's grandson Hassan Ibn Ali. The duties of sharifs were not officially defined, although in they focused mainly on tribal and provincial matters, so no formal separation existed between the authorities' sharif and vali. Consequently, it was personal connections and charisma that determined who would actually exercise power. See: Buzpinar, S. Tufan 'The Hijaz, Abdulhamid II and Amir Hussein's Secret Dealings with the British, 1877-80', pp. 102-104.

²¹ Al-Rasheed, Madawi, *A History of Saudi Arabia*, (2010) Cambridge: Cambridge University Press, p. 33.

²² Deringil, Selim, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909*, p. 64.

²³ Wright, Edmund (ed.), *A Dictionary of World History* (2006) (2 ed.) Oxford: Oxford University Press.

3. THE HIJAZ – FROM THE BIRTH OF THE CALIPHATE TO THE ARAB REVOLT

The history of the Hijaz is important because it is the history and point of origin of Islam. It is the idealised form of statehood, in the period beginning in the seventh and eighth centuries, when the first principles of governance and legitimate policy (*Al-Siyaasah Al-Shar'iyyah*) were laid down, largely in isolation from 'mainstream' political philosophy as had been developed by the Greeks. The Islamic State only existed in The Hijaz for 40 years, the first, and arguably the only, Islamic state. Here, the *Wathiqah* or Constitution of Medina, makes an essential frame of reference as it was a social contract that governed and organised the nexus of relations between the natives living in Medina, including the Makkan (principally Quraysh) *Muhajirun*, the *Ansar* and the Jews.²⁴ The Constitution addressed essential points, such as defining the nature of the state. The term '*umma*' is used in the Constitution several times to refer to the new collective body of citizens in Medina ('collectivity') as a single nation territorially defined, Muslims and others.

What the Islamic world was bequeathed by this origin was just that: an origin. Unlike the European world, which had seen great innovation in forms of government until it settled on the sovereign nation state that resulted from the Peace of Westphalia, the mode by which the first Islamic state came into existence left its imprint on government, clear, it was silent. At the beginning of the last century and the inception of the international order following the Great War, the legal idea of Islamic self-determination was contested with the development and adoption of the residual western Westphalian 'nation state'.²⁵

Academically, there is no consensus on defining the term 'state' (statehood) in a political or historical sense, not in the particular technical sense of international law.²⁶ Barrow, for instance, argues, '[t]he central problem at the analytic level of state theory is to define what range of phenomena is encompassed by a concept of the state'.²⁷ A state should possess, (1) fixed position in space (territoriality); (2) the politics of a public realm (differentiation between private and public realms); (3) institutionalised political organisations (continuity independent from specific leaders or other individuals); (4) and a multiplicity of governmental tasks and activities (multifunctionalism), based on (5) legitimising authority structures.²⁸

Despite presiding over this primal statehood, the Hijaz is often overlooked in accounts of the twentieth century origins of statehood. It is therefore imperative to consider the second key historical passage, the formation of the 'modern Middle

²⁴ See the full text at: *Majmo'at al-Wtha'yq al-Syassyiah lil 'ahed al-nabawy wa al-khelafah al-rashidah*, (1983) Muhammed Hamid-Allah, Dar al-Nfa'is, Beirut, 4th edition, pp. 59-62.

²⁵ Students of European international legal history may note a certain resemblance to the 30 Years' War fought in Europe (1618-48), in which a war between Christian doctrines became entangled with a dynastic struggle between Bourbons and Habsburgs and the beginnings of a regional rivalry between France and Spain. Those struggles ended with the Treaties of Westphalia, in which the state acquired some of its modern characteristics and the modern state system could be faintly distinguished.

²⁶ Erika Cudworth, Timothy Hall and John McGovern, *The Modern State: Theories and Ideologies*, (2007) Edinburgh: Edinburgh University Press, p. 1.

²⁷ Barrow, Clyde, *Critical Theories of the State: Marxist, Neomarxist & Postmarxist*, (1993) Wisconsin: University of Wisconsin Press, p. 10.

²⁸ Morris, Christopher, *An Essay on the Modern State* (2002) Cambridge: Cambridge University Press.

East' in the two decades after the end of the Great War. This tumultuous period resembled a landscape after a volcanic eruption – molten streams of men and ideas pouring out over a shattered colonial landscape until they cooled into states, fanned on their way by the agenda papers of diplomatic conferences.

The new nation states that emerged from the colonial chains of empire were a curious collection. Some, like the Saudis and the Kuwaitis, were born with fabulous 'undeserved' wealth; some, like Trans-Jordan, had little; while some, like the Yemenis, had nothing. Others, like Iraq and Syria, were handicapped by the means and conditions of their inception. The politically determined human geography and formidable natural physical barriers of the Middle East meant the Arab nations began life on a wildly distorted map. Living within borders defined by the colonial powers – 'the Sykes-Picot system' as others have referred to it – generations of Arabs lived lives largely determined by which sides of imaginary lines they fell on.²⁹

These two periods, more than a millennium apart, had surprising effects on foundational state evolution - some positive and others negative. In the eighth century, the key passage took place 40 years after the death of Prophet Mohammad – a crucial reference period for Islamic political reflection and application.

4. THE GREAT ARAB REVOLT

The Arab Revolt was launched in the Hijaz by Al-Hussein bin Ali, Sharif of Makkah, just before dawn on 2 June 1916.³⁰ It signalled a new desire for Arab independent statehood for the Arabs as a newly imagined nation. The Arab Revolt was the founding act of modern Arab self-determination, and it was a direct reaction to the rising tide of Turkish nationalism.³¹ At first glance, the Hijaz seems miscast as the locus of nationalist sentiment. This loyal and well rewarded 'special province' of the Ottoman Empire did not seem like a fertile ground for the rise of a secular nationalist ideology; religion dominated the political and intellectual life of Western Arabia and a commitment to Islamic solidarity was largely unquestioned.³² Dawn and Teitelbaum refer to reports of Arab nationalists approaching Sharif Hussein as early

²⁹ Barr, James *A Line in the Sand* (2011) New York: Simon & Schuster, p. 31.

³⁰ Arab Revolt (1916-1918) - an uprising led by Sharif Hussein of Makkah against the Ottoman Turks with the aim of securing independence of Arab Territories and creation of unified Arab state.

³¹ Self-determination - a principle that defined statehood in modern international law. The roots of Revolt can be traced back to the upheaval in the Ottoman Empire, caused by the rise of the Committee of Union and Progress (the CUP, or the 'Young Turks'), who seized power in 1908 and demanded that a reformist policy agenda be implemented and the 1876 constitution be enforced. Ahmad, Feroz 'The Young Turks Revolution', *Journal of Contemporary History*, Vol. 3 (1968), p. 20.

³² In 1911, a telegram was sent from the Makkah notables to the Ministry of Interior of the Ottoman Empire requesting a cessation in the implementation of new procedures in The Hijaz. They professed concern that this was necessary for the 'Great Ottoman Caliphate's era [to] be preserved'. Aghlaq, Sinān M'rūf, *Najd wa'l-hijāz fi'l-wathā'iq al-Othmāniya: Al-aḥwāl al-siyāsiya wa'l-ajtimā'iya fi Najd wa'l-hijāz khilāl al-ahd al-Othmāniya*, [Najd and Hijaz in the Ottoman documents: political and social conditions in Najd and Hijaz during the Ottoman period] (2002) London, Beirut, Dar Al Saqi, pp. 116-8. See also: Ochsenwald, William, 'Ironic Origins: Arab Nationalism in the Hijaz 1882-1914' (1991) In: Rashid Khalidi (ed.) *The Origins of Arab Nationalism*, New York: Columbia University Press, p. 190.

as 1911 to ask him to assume leadership of the Arab movement.³³ Up until 1914, however, he remained supportive of the Ottoman Caliphate while gradually strengthening the institutional powers of the Emirate of Makkah and using Islamic legitimacy rather than nationalism as a political driver.

The Hashemites, the traditional rulers of The Hijaz, harboured and nourished ambition to establish a single unified Arab state stretching from Aleppo in Syria to Aden in Yemen. Their timing was fortuitous, as the Great War was underway and the Western powers were looking for allies in the Middle East theatre. But Britain's initial support for a caliphate under a Hashemite banner in The Hijaz had ignited Arab dreams of independence. Both Lord Kitchener and Henry McMahon, the British High Commissioner in Cairo, had urged the Hijazis to establish a caliphate.³⁴ Nonetheless, Sharif Hussein used religious, rather than nationalistic, justifications to explain his revolt against the Ottomans. Dawn notes, perhaps with some exaggeration, that it was Sharif Hussein's consuming ambition to secure the universal caliphate that drove him into alliance with the British and revolt against the Ottomans.³⁵ During the revolt it is estimated that between 5,000 and 30,000 Arabs took up arms against the Turks.³⁶

It was inevitable that such an insurrection would antagonise the Ottomans to declare jihad against the Entente. This in turn forced Britain to withdraw their support for the 'Arab Caliphate' and instead support nationalist notions rather than Islamic ones. The British, who ruled a large Muslim population in India, recognised the danger inherent in promoting an Arab Islamic authority in Makkah to rival the Ottoman Sultan as it would divide the Muslims, which could threaten the future peace negotiations and weaken their position in India. But with the emergence of Britain as a potential patron, the Hashemites welcomed the idea of independence and rule over a large area of Arab lands, as opposed to limited control over the Hijaz alone, as offered by the Ottomans.³⁷

³³ Dawn, Ernest 'The Amir of Mecca Al-Husayn Ibn Ali and the Origin of the Arab Revolt', in *From Ottomanism to Arabism: Essays on the Origins of Arab Nationalism* (1973) Illinois: University of Illinois Press, p. 17. See also: Teitelbaum, Joshua 'Sharif Husayn ibn Ali and the Hashemite Vision of the Post-Ottoman Order: From Chieftaincy to Suzerainty' (1998) *Middle Eastern Studies*, Vol. 34, No. 1, p. 107

³⁴ Field Marshal Horatio Herbert Kitchener (1850-1916) was a British military leader and statesman, he was appointed Commander in Chief in India in 1902, then became British Agent and Consul of Egypt serving there and in the Sudan until 1914 when he was made secretary of state for war. McMahon-Hussein Correspondence (July 1915-January 1916) - a series of letters exchanged between Henry McMahon, British High Commissioner in Egypt and Hussein Bin Ali, Sharif of Mecca during First World War, discussing the future status of Arab lands; the correspondence concluded Arab alliance with the British against the Turks in exchange for British guarantees of independent Arab state. McMahon to Hussein, 30 August 1915, available online from: <http://www.jewishvirtuallibrary.org/jsource/History/hussmac1.html> (last accessed 21 November 2016).

³⁵ Dawn, Ernest, 'The Amir of Mecca Al-Husayn Ibn Ali and the Origin of the Arab Revolt', p. 11.

³⁶ Murphy, David *The Arab Revolt 1916-1918*, (2008) London: Osprey, p. 34

³⁷ Wilson, Mary C. 'The Hashemites, the Arab Revolt and Arab Nationalism' (1991) In: Rashid Khalidi (ed.) *The Origins of Arab Nationalism*, New York: Columbia University Press, p. 214.

5. ARAB STATEHOOD BROKEN

In August 1917, a document was issued by some *ulema* (Muslim scholars) in Makkah, titled 'Proclamation of the *Ulema* of Mecca' to explain the revolt against the Ottoman Empire to the Muslim nations. In it, Islamic references are used to explain and legitimise the secession.³⁸ It is not clear if the document represented the ulema and the institution of the Two Holy Mosques or the ulemas who were in exile. What is clear is that Sharif Hussein's constitutional legitimacy as well as the independence of the Holy Lands of Hijaz from non-Arab interference was being asserted. However, the issue of the caliphate was 'pending a unanimous declaration of policy by the Muslim world'.³⁹ Sharif Hussein believed his project was that of Arab renaissance. He proclaimed himself *Al-Nahidh bi al-Bilad al-Arabiyya* [the Raiser of the Arab Countries] but was later named *Malik al-Bilad al-Arabiyya* [the King of the Arab Territories]; which title he officially began using on 3 December 1916.⁴⁰ At that time, he relied on the British assurances of an independent Arab State.

By 1918, it became clear that the British were not intent on keeping their promises to the Arabs.⁴¹ It is claimed that General Allenby, British Commander in the Levant and Palestine, informed Emir Faisal bin Al-Hussein, the second son of the Grand Sharif and commander of the Arab Army, that France was to be the 'mandatory power' in Syria, but Faisal went ahead and assumed the position of governor of Damascus, with the support of his father. Faisal hoped thereby to create a power base for a future Arab State. Sir Henry McMahon's promise was to be broken, the independent Arab kingdom was to be limited to the Hijaz during the Versailles Peace Conference of 1919, and Sharif Hussein was to be recognised only as King of Hijaz, not the Islamic ruler of an Arab State.⁴²

³⁸ The proclamation describes the CUP's policies as 'impious aggression' and King Hussein's policy of reasserting the independence and freedom of the Holy Cities of Makkah and Medina as being 'in accordance with the divine ordinances set down in the Holy Qur'an, the Sunna of the Prophet and the honourable law of Islam, and follows the edicts of justice, civilisation and humanity'. The ulema thus 'solemnly declares that today they know no king among the Muslims more devout, more steadfast in the fear of God, more observant of his commands more zealous to perform his ordinances in word or deed, more competent to guide our affairs in accordance with His commands than this descendant of His Prophet who has now assumed the throne of the Arabian lands.' CO 323/763/24 (1917) 'Proclamation by the Ulema of Mecca'.

³⁹ CO 323/763/24 (1917) 'Proclamation by the Ulema of Mecca'.

⁴⁰ Sa'īd, Amīn, *al-thawra al-arabiyya al-kubra: tārīkh mufaṣṣal jāmi' lil-qaḍīya al-arabiyya fi rub' qurn*, [The Great Arab Revolt: A Detailed History of the Arab Case in a quarter century] *Volume 3: imārat sharq al-urdun wa qaḍiyat filisṭīn wa saqūt al-dawla al-hāshamiyya wa thawrat al-shām* [The Emirate of Eastern Jordan, the Palestine issue, the fall of the Hashemite state and the Sham revolution] (1997) Maktabat Madbūli, p. 133.

⁴¹ General Allenby informed his government that he offered Emir Faisal:... 'official assurance that whatever measures might be taken during the period of military administration, they were purely provisional and could not be allowed to prejudice the final settlement by the Peace Conference, at which no doubt the Arabs would have a representative.' *Report of a Committee set up to consider certain correspondence between Sir Henry McMahon & the Sharif of Mecca*.

⁴² Abdul Hadi, Aouni Bey, 'The Balfour Declaration', p. 14., available from: <http://journals.sagepub.com/doi/pdf/10.1177/000271623216400103> (accessed 21 November 2016).

6. MILITANT ISLAM CONQUERS THE HOLY LAND

The Third Saudi Islamic State was formed after the First World War with the British support for the House of Saud, a dynasty which was fighting to establish its third dominion (or dawlah) over the Peninsula. The means of violence was supplied by 'The Brotherhood of God Obedient' (*Ikhwan Man Ta'a Allah*) – nomads, who became zealots under the ideological influence of an ultra-orthodox sect of Islam known as the Wahhabis, which had formed a strategic alliance with the Saudis in the 18th century.⁴³ In the past, this potent triad had been checked by Ottoman power, as manifested by Muhammad Ali, an Ottoman Albanian military leader who had become the khedive of Egypt at the beginning of the 19th century.

The conquest of the Hijaz began in May 1919 with the battle of Turaba, a disputed oasis between the Najd and the Hijaz.⁴⁴ But relations between Imam Ibn Saud (later, King Abdulaziz, at the founding of Saudi Arabia) and Sharif Hussein deteriorated, and by 1922 the prospect of war between the two was imminent. The Wahhabi militia were openly threatening to take over the Hijaz.⁴⁵ On 4 October 1924, several of the Makkan and Jeddah joint association notables including Abd Al-Rauf Al-Sabban, Tahir Al-Dabbagh, Mohammed Al-Taweel and Fuad Al-Khatib reconstituted themselves as *Al-Hizb Al-Watani Al-Hijazi* – The Hijaz National Party (HNP) – and declared that 'the nation has recognised His Highness Emir Ali [bin Al-Hussein] as the only constitutional King of the Hijaz'.⁴⁶ The Party immediately set out its programme, which was to establish a constitutional state to govern the Hijazi nation: an abrupt shift from an ethnocentric Arab to a nationalist rhetoric that was limited to the Hijaz: in effect bringing the elite's aspirations into line with what had been agreed five years before at the League of Nations.

As a first course of action, the leaders of the newly formed party urgently corresponded with countries throughout the Islamic world to plead their case for protection and immediate intervention against Wahhabi transgressions, in addition to calling for the negotiation of an agreement with Imam Ibn Saud and potentially Great Britain.⁴⁷ They also stressed that the people of the Hijaz must stir themselves to save their country and its people.⁴⁸ The HNP assumed a strategy that did not call for a widespread Arab revolt, but rather adopted the idea of Hijazi nationalism as an ideological alternative to Wahhabi ideology, and advocated the territorial and political

⁴³ For a comprehensive study, see: Natana J. Delong-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad* (2008) Oxford: Oxford University Press.

⁴⁴ Kostiner, Joseph, *The Making of Saudi Arabia, 1916-1936: From Chieftaincy to Monarchical State* (1994) Oxford: Oxford University Press.

⁴⁵ FO 686/117 (1922) 'Wahhabi Propaganda in the Hejaz'.

⁴⁶ IOR/L/PS/10/1124; File 3665 (1924) 'Arabia: situation 1924; Wahhabi attack on Hedjaz, capture of Taif and defeat of Hedjaz army, abdication of King Hussein'.

⁴⁷ Baker, Randall, *King Hussein and the Kingdom of Hijaz* (1979) New York and Cambridge: Oleander Press, p. 209.

⁴⁸ Sa'īd, Amīn, *al-thawra al-arabiyya al-kubra: tārīkh mufaṣṣal jāmi' lil-qaḍīya al-arabiyya fi rub' qurn* [The Great Arab Revolt: A Detailed History of the Arab Case in a quarter century], *Volume 3: imārat sharq al-urdun wa qaḍiyat filisṭīn wa saqūt al-dawla al-hāshamiyya wa thawrat al-shām* [The Emirate of Eastern Jordan, the Palestine issue, the fall of the Hashemite state and the Sham revolution] (1997) Maktabat Madbūli, p. 191.

integrity of the Hijaz.⁴⁹ The party also sought to make the country free from ‘impure intrigues’ and ‘foreign influence’.⁵⁰ Influential Hijazi expatriates were in close contact with the party, focusing on Islamic diplomatic efforts to protect the Hijaz and its people and the status of the Holy Places.

Sayyid Abdulla Dahlan, a jurist of the Grand Mosque in ‘political exile’ as Mufti of Singapore and South East Asia, wrote to the Sheikhdome of Al-Azhar in Cairo as follows:

I bring your attention to The Hijaz and shedding of blood that was committed in her and the enveloping chaos over her. A telegraph from the Association of Hijaz [HNP] was reported to my attention in Jeddah; you will find its content attached. Upon its arrival I transmitted to you a telegraph so as to inquire about what action the Authority [of the Caliphate Congress] took to protect The Hijaz and her people. Duty dictates that the Authority work towards the independence of The Hijaz and the formation of a constitutional government under the watchful eyes of all Muslims, so that this may be a resurrection from the atrocities she faces. I had communicated to several destinations the establishment of commissions to fulfil these duties. I still await a telegraphic answer from you so that I may bring good tidings to the hearts of more than 50 million Muslims and through which I can encourage them to do good, God willing.⁵¹

The subsequent conquest of The Hijaz in 1925 was followed by assurances from Imam Ibn Saud to Hijazis and the Muslim world that the Hijaz would be self-governed, “Hijaz is for the Hijazis”, as an independent entity, with its own Islamic characteristics (differentiated from the Wahhabis) through a ‘personal union’ of Hijaz and Najd. However, within a few years it became clear that King Abdulaziz was not able to keep his promises regarding popular participation in the self-governance of the Hijaz. The worsening economic climate and religious disagreements with the Wahhabi form of Islam had brought a group of prominent Hijazi progressives to the fore. More serious still was the strangling in its cradle of Hijazi Arab self-determination, which had promoted an entirely different programme for Arab Renaissance, accepting Islamic notions of modern governance and righteous law in formal political terms.

In early 1928, a number of prominent members of the HNP and other Hijazi liberals founded Hizb Al-Ahrar Al-Hijazi, the Free Hijazis Party or Hijaz Liberation Party (HLP). The HLP was created as a response to the worsening economic situation and a series of religious disagreements with Wahhabism. Its aim was to end the Wahhabi rule over the territory and recreate the independent state of the

⁴⁹ Teitelbaum, Joshua, *The Rise and Fall of the Hashemite Kingdom of Arabia* (2001) New York: New York University Press, p. 213.

⁵⁰ Saīd, Amīn, *al-thawra al-arabiyya al-kubra: tārīkh mufaṣṣal jāmi’ lil-qaḍīya al-arabiyya fi rub’ qurn* [The Great Arab Revolt: A Detailed History of the Arab Case in a quarter century], *Volume 3: imārat sharq al-urdun wa qaḍiyat filisṭīn wa saqūt al-dawla al-hāshamiyya wa thawrat al-shām* [The Emirate of Eastern Jordan, the Palestine issue, the fall of the Hashemite state and the Sham revolution] (1997) Maktabat Madbūli, p. 190.

⁵¹ ‘Memorandum on the Caliphate and the Situation in The Hijaz’ Telegraph No. 43 from Singapore, the Administrative Council of the Caliphate Congress in Cairo, 11-October-1924 (India Stamped), Al-Azhar Archives, Cairo, p. 2.

Hijaz, based on the 1916-25 Hashemite kingdom. They also sought to demonstrate that the end of the Hashemite rule over the territory did not put a stop to the drive for self-determination. The party was active from 1928 to 1935 in the Hijaz, with supporters and clusters in Transjordan, Egypt, Palestine, Yemen, Eritrea, India, Iraq and the Asir region of Saudi Arabia, south of the Hijaz. The party, published and distributed a document entitled the 'Hijaz National Charter'⁵² listing the specific goals of the organisation, which were broadly speaking those of a liberal, constitutional, democratic governance.⁵³ The Charter supported by most Arab countries, adopted the tenets of popular democratic norms, rather than the feudal absolutism adopted and adapted by the House of Saud.⁵⁴

7. THE CALIPHATE: THE HIJAZ - MUSLIM WORLD ASSEMBLED

In May 1926, the 'General Islamic Congress for the Caliphate' took place in Cairo, organised by the jurists and ulema at the Cairo-based Islamic sanctuary, Al-Azhar. Initially, the conference intended to host representatives from all Muslim territories and appoint a new caliph. Imam Ibn Saud was a registered delegate, first as Sultan of Najd and later as Sultan of The Hijaz and Najd. His son, Faisal, was registered as the representative of "the People of Najd".⁵⁵ However, King Fouad I of Egypt was said to be preparing the ground to take up the title, which worked to the organisers' disadvantage as the Muslim community felt that the results of the congress were predetermined.⁵⁶ Nevertheless, the organisers, among them Rashid Rida, sought to make the Congress an inclusive event, and invitations were sent to representatives of Wahhabi, Zaydi and 'Twelver' Shi'ite representatives.⁵⁷ The

⁵² FO 967/55 *Local Government. Dabbagh Conspiracy* (1933).

⁵³ The Charter was printed in Makkah and included the stamp of the Executive Committee of the HLP. It was written in the language of international law, and called for self-determination and self-governance in the Hijaz. The form of the government was to be decided by the National Assembly and Ibn Saud's individual rule was to end. Specifically, *Article 1* of the Charter was a rejection of the primary production model of any colonial exploitation - in which the metropolitan powers appropriated the raw materials supplied by the colony, along with its secondary processing industries. The party wanted to develop the Hijazi economy for its own inhabitants. *Article 3* referred to the need for 'popular, representative and constitutional rule' - not ruling out the possibility of constitutional monarchy with a parliamentary body. For instance, the return of Hashemite rule under a constitutional directive was a strong possibility, given Emir Abdullah's and HNP's shared goal of liberating the Hijaz. *Article 6* appealed to the notion of ethnic nationalism and called for the national unity of all Arab territories, as well as a common foreign, defence and cultural policy. National rhetoric took precedence over the Islamic one. The group was seeking to address the issue of the pilgrimage and to ensure that the global interests of the pilgrims were protected, but not in conflict with the sovereignty of the country. Crucially, the Liberation Movement appealed to the wider Muslim world for support, as opposed to the Western powers that had stood idly by while the Hijazi state was being extinguished.

⁵⁴ Al-Shraah, Ibrahim F 'Hijaz Liberals Party and its Political Role between 1928 and 1935', *Political and Social Studies*, 37:1 (2010), 24. <http://journals.ju.edu.jo/DirasatHum/article/view/89> (last accessed 21 November 2016)

⁵⁵ Shalabi, Fathi AS, *Khilafa Islamic Congress in Cairo 1926* (1989) Doctoral Thesis. Faculty of Arabic History and Civilization, Al Azhar University Cairo, Appendix.

⁵⁶ Kramer, Martin, *Islam Assembled: the Advent of the Muslim Congress* (1986) New York: Columbia University Press, p. 91.

⁵⁷ Kramer, Martin, *Islam Assembled: the Advent of the Muslim Congress* (1986), p. 91.

question of the future of the Muslim Holy Lands, The Hijaz, was thus to be decided by the whole Muslim *umma*, and consequently, *Ulama*, across the board were summoned for their ideas.

A significant number of Chinese, Malay and Indonesian Muslims were represented by the jurists or *ulema* of the Two Holy Mosques in exile – a government in exile. Among the most notable of these émigré was Sayyid Abdullah Dahlan of Makkah, Mufti of Singapore and South East Asia. In the earlier mentioned letter dated 11 October 1924, Sayyid Dahlan proposed an interesting agenda with some self-determination ideas beyond statehood. First, he emphasised that if the caliphate were to have popular currency, a thorough and proper explanation of the office, its benefits and its conditions, must be made clear. He pointed out that 400 million Muslims were ignorant of the issue and therefore unable to fully contribute to the election of the caliph. Secondly, he requested that invitations be issued in those languages that were widely spoken across the Muslim community such as Persian, Urdu, Java, Malay, Mandarin and Turkish so that the ‘true meaning of the invitation’ would be clear to these diverse groups. Thirdly, he proposed that the duties, jurisdiction, function and competencies of the congress should be made clear. In particular, he proposed that the congress should specify the geographic seat of the caliphate as well as the conditions of the accession of a caliph. He further advised that the congress should determine the form that a caliphate government should take and in particular, how relations should be conducted between such caliphate and other Islamic governments irrespective of how these other Islamic governments constituted themselves. Shalabi reports that these recommendations constituted the methodology followed vis-à-vis the invitations and the agenda of the Congress.⁵⁸

Islamic jurisprudential views about the caliphate, took on a practical dimension focusing on the state developing in tandem with the the first political party in the Hijaz. The scholars supported the establishment of a modern constitutional system in the Hijaz.⁵⁹ In the proposed international system, the relations of nations with the caliphate/the Hijaz would vary depending on seven categorised government structures.⁶⁰

8. BEYOND SYKES-PICOT

In the aftermath of the ‘Sykes-Picot’ order of the Middle East, post–First World War, nationalist and anti-colonial movements dominated political discourse in the region. By the late 1930s, with the release of Sir Henry McMahon-Hussein’s

⁵⁸ Shalabi, Fathi AS, *Khilafa Islamic Congress in Cairo 1926* (1989) Doctoral Thesis. Faculty of Arabic History and Civilization, Al Azhar University Cairo, p. 226.

⁵⁹ ‘Memorandum on the Caliphate and the Situation in the Hijaz’, p. 1.

⁶⁰ The seven categories were Category A) Nations directly governed by the caliphate; Category B) Nations under Independent Muslim states that have representative parliaments; Category C) Nations under Independent Muslim states but have no representative parliaments; Category D) Nations under non-independent Muslim states that have representative parliaments; Category E) Nations under non-independent Muslim states and have no representative parliaments; Category F) Nations under non-Muslim states that have representative parliaments; Category G) Nations under non-Muslim states and have no representative parliament.

correspondence with the Sharif of Makkah, the narrative of Arab nationalism was retrospectively canonised as an 'Arab Awakening'.⁶¹ Furthermore, two types of governments emerged. On the one hand, the Middle East saw the proliferation of dynastic monarchies, which were often imposed in the interests of the British, French or Americans. These included Saudi Arabia, Jordan, Iraq, Kuwait and Pahlavi Iran. On the other hand, a number of Pan-Arabist, military regimes were swept into power after having expunged colonial powers from their territory. In the Nasserist era, these states included Egypt, Libya, Syria and Iraq.⁶²

A seismic shift occurred yet again in the international order in the early 1990s with the collapse of the Soviet Union. Coincidentally, the end of the cold war was the final nail in the coffin of Pan-Arabist movements worldwide; it was replaced with a wave of 'political Islam'⁶³ and there are several reasons for this. Firstly, with the collapse of the Soviet Union, socialist regimes in Syria and Egypt lost their most significant financial and political patron.⁶⁴ Secondly, the *Mujahideens'* successful campaign against the Soviet Union (supported by the United States) served as a catalyst to wage '*jihad*' against oppressive regimes in the rest of the Islamic world; their newly created networks, financial resources and arms served only to embolden their efforts.⁶⁵ Thirdly, the 1991 Gulf War and the subsequent stationing of American troops on the Arabian Peninsula provided the necessary rhetorical justification to continue to wed an anti-Western emphasis with religious symbolism (the image of a foreign army in the 'cradle of Islam').⁶⁶

The modern narrative in interpreting this phenomenon begins with 'failed states' and 'terrorism' which dominated thinking among security and intelligence circles after the events of September 11, 2001. While the emergence of Al-Qa'ida can be linked to the Soviet invasion of Afghanistan and the post-1991 Gulf War era, DA'ISH was the ultimate residual response to the U.S. invasion of Iraq in 2003.⁶⁷ It publicly declared a Caliphate and the 'end' of Sykes-Picot on 29 June 2014 after seizing parts of the territory of Iraq and Syria.⁶⁸

In the wake of the 2003 Iraq Invasion and toppling of Saddam Hussein, the popular uprisings of 2010, styled the 'Arab Spring', started to significantly shape the future of the Middle East. This has been generally characterised as the culmination

⁶¹ Report of Committee set up to consider certain correspondence between Sir Henry McMahon (His Majesty's High Commissioner in Egypt) and the Sharif of Mecca in 1915 and 1916 (McMahon Correspondence). 1938-39 [Cmd. 5974] House of Commons Parliamentary Papers Online. See also: Antonius, George '*The Arab Awakening: The Story of the Arab National Movement*' (1939) London: Hamish Hamilton.

⁶² Mamdani, Mahmood, 'Whither Political Islam: Understanding the Modern Jihad' (2005) 84, *Foreign Affairs*, p. 148.

⁶³ Ibid.

⁶⁴ Northolt, Stuart, *Fields of Fire: An Atlas of Ethnic Conflict* (2008) Troubador: Leicester, 4.14.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ The Islamic State, Al Jazeera, In Depth Analysis, [online] [in Arabic], <http://www.aljazeera.net/encyclopedia/movementsandparties/2014/10/11/%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85%D9%8A%D8%A9> (last accessed 21 November 2016)

⁶⁸ 'ISIS rebels declare 'Islamic state' in Iraq and Syria', <http://www.bbc.co.uk/news/world-middle-east-28082962>.

of widespread, if not universal, outrage expressed towards despotism and corruption. However, the rise of Islamists and the failure of institutionalising democratic participatory regimes in many of these states, highlights the struggle to deal with the more political, social and economic reformation of the Middle East and Islamic sphere of influence. DA'ISH's appearance may be analysed from different angles and while it raises seemingly traditional, outdated and archaic concepts, it does make a case for Islamic statehood. This can be referred to as the exploitation of the 'negative space' in Islam. In essence, it was the exploitation of the frequent and longstanding regional failures, using a common integrative moral discourse to destabilise the Middle East and the international order.

A favourable alternative to this militant Islamist phenomenon is the idea of utilising the 'positive space'. This would mean firstly, circumventing the moral appeal and crisis created in the negative space. The Hijaz would fill the void that it left a hundred years ago, just as it did 1400 years before, allowing a superior and credible Islamic morality and coherent reassembly with the international order. Secondly, Arab regimes could use the Hijaz to come together to settle regional disputes and present a united front to combat the inchoate threats of Islamist terrorism. Finally, it follows that the widely publicised *political* term 'Islamic State' and the claims by DA'ISH leaders to be Caliphs are both a threatening precedent and a perverted appropriation of the Hijaz heritage.⁶⁹

The Hajj, the pilgrims, and citizens of Makkah and Medina, are all at jeopardy in the face of claims to Islamic rights that are historically and inextricably connected with the Holy Places of Islam. The actions of DA'ISH, whose followers and ideologies have manifested direct effects on the instability and conflicts in Syria and Iraq, as states, are having a growing influence in Arabia with some expansion in Saudi Arabia and Egypt, for instance, the activity of the so-called *DA'ISH Najd Vilayat*.⁷⁰

In light of such threat to security and the fundamental understanding of Islam, disturbing attempts to redraw the map of the Hijaz by American think tanks or DA'ISH itself, have led to popular proposals for increased and internationalised conditional autonomy for the Hijaz.⁷¹ Although there is a possibility that conditional autonomy may be perceived as a first step towards 'external self-determination', there is also an argument to be made for the ability of the Hijaz to guarantee its own safety by more actively 'deliberating democratically' within the Saudi Arabia and the Arabian Peninsula on the Islamic governance, fate and protection of the province, especially when some suggest an international status for the cities or indeed its

⁶⁹ The claim of DA'ISH to being a 'state' is effectively dismissed in international law under both the declaratory and constitutive theories of statehood. For supporters of the declaratory theory, the creation of a state is considered a matter of fact, with states coming into existence when the minimum criteria - defined territory, permanent population; government and capacity to enter into relations with other states - are met. For constitutive theorists, a state only comes into being when it is recognised as a sovereign by other states. Given that DA'ISH fails on both international law theories, as well as under Islamic Law, it must also lose the right to call itself an Islamic State.

⁷⁰ See: Jr., Douglas Lovelace. *Terrorism: Commentary on Security Documents Volume 143: The Evolution of the Islamic State*. Oxford : Oxford University Press, 2016.

⁷¹ Nazemroaya, Mahdi Darius, 'Plans for redrawing the Middle East: The Project for a New Middle East' 1 October 2016, Centre for Research on Globalization, Montreal, Canada, [online], available from: <http://www.globalresearch.ca/plans-for-redrawing-the-middle-east-the-project-for-a-new-middle-east/3882> (last accessed 21 November 2016).

international administration.⁷² This is not to be confused with the Iran-Saudi rift and race for regional hegemony by using the Hajj among other things as a source of conflict.

9. SAUDI ARABIA AND THE HIJAZ TODAY

The population of Saudi Arabia has increased from 10 million in 1980 to 20 million in 2000 is a bit over 33 million today (excluding the 2 million or so illegal immigrants).⁷³ This population explosion, a third of whom are less than 14 years old, presents the Saudi state with significant challenges. There are growing signs of volatility among the masses, something the Kingdom's rulers have never had to confront before. One may even question the readiness and the capacity of the Saudi political system to tackle these challenges, given some of its rigidities. In overcoming these, it is essential that a series of reforms foretold by the Kingdom's new reiteration — as the Fourth Saudi State — with a new generation start materialising in the near future. The risk of instability and crisis is looming, unless the Kingdom acts fast to address to its complex demographic challenges, the pressing shortcomings of its current political economy arrangement, as well as a number of internal governance questions. To be sure, the one thing that all Saudi citizens and provinces -not least The Hijaz- are unequivocally united about, is that they do not want for Saudi Arabia to be in instability, exposed or in crisis.

Alongside the crises in its internal political economy, the Saudi state also faces serious regional instability. The story of the rise of a violent and weaponised brand of jihadi ideology has been told many times. However, over the course of the past few years, this seemed to have arrived at the northern and southern borders of the Kingdom - with DA'ISH soldiers having been reported to be within a day's drive of Riyadh and Yemeni/Iranian missiles only minutes away. Developments that prompted the Saudi authorities to build a form of high-tech Maginot Line across 600km of its border with Iraq. Further to the threat posed by this mutation of its own creed, who are explicitly motivated by the goal of 'freeing' the Holy Cities and using their cache to re-establish a modern version of the classical caliphate, the Saudis are facing a resurgent Iran, which, rightly or wrongly, perceives itself to be locked in a geopolitical struggle. Iran has become the virtual guarantor of the Iraqi state; it is a key factor in Syria and Lebanon, and a central force behind Yemen's Houthi rebels - Saudi Arabia's principal opponent in its military campaigning in the country. The

72 See: Buchanan, Allen, *Justice, Legitimacy, and Self-Determination* (2004) Oxford: Oxford University Press, at page 335: 'If the state persists in serious injustices toward a group, and the group's forming its own independent political unit is a remedy of last resort for these injustices, then a group ought to be acknowledged by the international community to have a claim-right to repudiate the authority of the state and to attempt to establish its own independent political unit.' An alternative view is held by Vidmar, Jure, *Democratic Statehood in International Law* (2013) Oxford and Portland: Hart Publishing, 2013, at page 144, where he argues 'it could be interpreted that a state which does not have a government that represents 'the whole people belonging to the territory without distinction as to race, creed or colour' may, possibly, not have a right to avail itself of the principle of territorial integrity. In other words, in such circumstances, external self-determination may be legitimised.'

⁷³ World Population Review, Saudi Arabia, Population 2017, <http://worldpopulationreview.com/countries/saudi-arabia-population/> (last accessed November 2017).

political map of the Middle East, seen from Riyadh, gives the impression of gradual encirclement.

Saudi Arabia has few allies beyond the United Arab Emirates and Bahrain, which is in any case a military dependency of Saudi Arabia in all but name. The Sultanate of Oman is indifferent and Kuwait friendly but ineffectual; the Egyptian regime is fighting a low-level insurgency and, at present at least, is more of a liability that must be propped up at all costs. And then there is the issue of US foreign policy and all the uncertainties that divergent US presidencies holds for the region. Ultimately, however, it may well be the oil-dependent Saudi economy that forces the Saudi establishment to confront the future of Arabia. Currently, the new Saudi Fourth State seem to be coming to terms with the real possibility that country's apparently limitless oil wealth may run out surprisingly quickly: the International Monetary Fund has warned that the Kingdom could be bankrupt within the next four years.⁷⁴

10. WHAT KIND OF HIJAZ?

The decoupling of the Hijaz from the Saudi state would in so many ways be a decoupling of Islam from Wahhabism. It would allow the Saudi state to address some of the ideological drivers of its growing instability. Although the Saudi state may alter some of the absolute ideological control that ruling over the holy places might be thought to confer, an international autonomous relationship would avail greater scope to protect the holy realm under international law whilst still facilitating pilgrim affairs.⁷⁵

In considering the decoupling, the natural question arises - what political program might be put in place in the internationalised Hijaz? International legal history has some suggested responses. To begin with, the political system would need to be unique to the Hijaz and not a copy of an existing foreign singular-arrangement system, as such an approach would fail to take into account the dual nature of the Hijaz. Secondly, the system would need to be internationally representative of Muslims from around the globe, and inclusive of all Muslim denominations.⁷⁶ Finally, perhaps the seven points of the National Charter promulgated by Hijazis themselves from Makkah at the inception of Saudi Arabia may provide initial guidance.⁷⁷

⁷⁴ International Monetary Fund, 2015, as reported in: Adam Leyland, 'Saudi Arabia could be bankrupt within five years, IMF predicts', The Independent, 2015, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-could-be-bankrupt-within-five-years-imf-predicts-a6706821.html> (last accessed November 2017), see also: International Monetary Fund, 2015, Regional Economic Outlook, Middle East and Central Asia, World Economic and Financial Surveys, <http://www.imf.org/external/pubs/ft/reo/2015/mcd/eng/pdf/menap1015.pdf> (last accessed November 2017).

⁷⁵ The Saudi state could for example; implement their plans to build a high-speed rail system to connect Riyadh and the holy cities with the Gulf, Jeddah, Jordan and Kuwait.

⁷⁶ 'Memorandum on the Caliphate and the Situation in the Hijaz' Telegraph No. 43 from Singapore, the Administrative Council of the Caliphate Congress in Cairo, 11-October-1924 (India Stamped), Al-Azhar Archives, Cairo, p. 2.

⁷⁷ FO 967/55 *Local Government. Dabbagh Conspiracy* (1933).

This Islamic governance program, if enacted tomorrow, would have the effect of giving the moral and physical centre of Islam, the kind of democratic government that the Arab world is, at present, conspicuously lacking – and which would go a long way to creating the political stability it is equally in desperate need of. Advocating for the rule of law and democracy, inspired by the greater teaching of Islam but not puritanically applying one form or another and establishing constitutional representative rule is indeed an ideal taken from that golden-age, and a truly Islamic, rather than a Westphalian construct for governance. The territorial centrality of Hijaz’s pilgrimage for all Muslims, as a common heritage, clearly deserves international protection and administration that creates a common place for other nations and faith to interact with Islam— and to understand the peace it actually advocates.

11. ARAB INTEGRATION

In 2014, the United Nations Economic and Social Commission for Western Asia (ESCWA), called for an ‘awakening’ for integration as a ‘development imperative’ for ‘Arab revival’. It described repeated regional failure as vexing because of the common heritage, language, history and culture.⁷⁸ Although arguments for regional integration have become increasingly challenged by the difficulties being faced by the European Union, it cannot be denied that in reality the problems in the Middle East are regional and what is needed in the Middle East is a totally radical approach to the regionalism practised in the past.

The point should be made that The Hijaz would constructively enter this debate as a unionist rather than separatist, which is in the spirit of Islamic unity. The Gulf Ramadan-June 2017 crisis is at once an end of the Gulf system and an opportunity to form an Arabian union anchored on Islamic solidarity and the prospect for the Holy Cities (and its schools) to engage in regional discourse: a new version of a shared identity in the Arabian Peninsula, and a source of soft power for the Islamic world and its central institutions. Through treaties and an open regionalism frameworks founded on ‘soft-institutionalisation’, ‘open regionalism’ and ‘incrementalism’, this solution in Western Asia could satisfy both international law and the ideal of the *umma*. This would not conflict with the ‘territorial integrity’ of Saudi Arabia or the national geographic depth of the Arabian Peninsula. The above-delineated platform could of course greatly benefit from a reconceptualised and upgraded GCC at its core. This initiative can be the starting point for either a completely new, or, a ‘revamped and expanded’ positive integrative vision for the region. Given recent events and the state of the region, arguably, the early development of this new wider regional integration initiative might be best served through a loose platform, with the GCC and the Hijaz at its core. An Asia Pacific Economic Cooperation -like structure, which can start by intensifying cooperation in less sensitive areas such as economics, trade and investments and steadily expand in more complicated spheres. Such a loose structure would not be constrained by

⁷⁸ ESCWA, *Arab Integration: A 21st Century Development Imperative*. United Nations Publication, Beirut ESCWA 2014.

geography or politics, and would have the potential of encompassing other actors outside the immediate region but of great importance to it (from the US to Israel).

12. CONCLUSION

This paper has attempted to demonstrate the critical geopolitical consequences that flowed from the extinguishing of the Kingdom of the Hijaz in 1924 under international law. No means of legal reversal was obvious at the time, short of intervention by a mandatory power, which in western Arabia meant Britain. The interested regional bureaus of the British government viewed the takeover as a means to further their aims for regional management in the post-World War I period: the House of Saud was ultimately viewed by London as a congenial partner in an area of the world that was an outlier in terms of Britain's long-term imperial interests, to the extent that Churchill in his later views expressed his 'admiration for him [Ibn Saud] [...] because of his unfailing loyalty to us.'⁷⁹ It can be suggested that this heedless strengthening by the British of its grip with the Wahhabis (for instance their subsidy policy change, that propped up Ibn Saud and left King Hussein exposed, or the British air support in Ibn Saud's campaign against the rebellious Ikhwan), perhaps planted the seeds of demise that still is still visible today.

Furthermore, the British regarded Muslim affairs as a source of danger rather than opportunity, and the imposition of the regime of Ibn Saud seemed to them to be a reasonable outcome, whatever the misgivings may have been about his capacity to bring prosperity to the Hijaz, or about the local brand of Wahhabism and its intolerance to other forms of Islam. Imam Ibn Saud was preferable in British eyes to the kind of greater statehood ambitions that the Hashemites had shown, which were difficult to foresee and entirely incompatible with the division of the Middle East into spheres of influence and control.

Although the elimination of the Hijaz caused no immediate visible damage to the fabric of international relations, the unleashing of Wahhabi ideology in the Middle East now looks like one of the graver international law consequences of British diplomacy in its sunset years and deserves far more attention when considering statehood in the region. But there is still time to right the wrongs of the past and preempt the catastrophe of the failure of the nation-state that is rapidly unfolding in the map that is the Middle East.

The disruptive impact of the construct of Westphalian statehood and the enlightenment notion of self-determination precluded the development of a genuine practise of Islamic statecraft as the source of tenets of collective identity and of statesmanship in the Arab hemisphere. While these concepts were recognised as tools of Western imperial influence and control, in an act of self-imprisonment, these concepts were nevertheless embraced by successive generations of Arab leaders, as unshakable foundations, of the emerging Arab and broader Islamic polity. What is

⁷⁹ See Curtis, M. (2012). *Secret Affairs: Britain's Collusion with Radical Islam*, Page 53. London: Serpent's Tail.

now possible is a re-examination of Islamic governance in the history and untapped potential of the Hijaz, the first state of Islam in Makkah and Medina.

This vision of the Hijaz extends from governance in Saudi Arabia, the Arabian Peninsula, and the Islamic community as a whole, to its interaction with the wider world. It rejects the appropriation of Islamic governance and the concept of an Islamic state and the caliphate by the post-modern non-territorial doctrines of Al-Qa'ida, and, conversely, by the *neo-medievalist* DA'ISH, based on the absolute and abhorrent control over territory and people under the false flag of Islamic doctrine.

The case for the reinstatement of the Hijaz is threefold. Firstly, from the point of view of modern international law, the Hijaz deserves active and special international status and protections. The grounds for this claim are the area's historical, cultural and religious significance: a unique area requires a exclusive form of legal accommodation. This argument is buttressed by pragmatic considerations as the benefits of a reinstated secure Hijaz will be felt around the world. The threat of a rapid collapse in the present international law regime or a long-term rearrangement of international positions and commitments in the Middle East, threatens the survival of the modern Saudi state and the Arabian Peninsula for that matter. It faces a combination of conflict, ideological and economic challenges, particularly its heavy reliance on hydrocarbon natural resources as a sole balancing point for the political economy.

Finally, this paper has tried to amplify the value of the Hijaz as an 'integrative agent' that transcends its own sacred territory for 1) its own benefit and that of the Saudi State and the territorial integrity of the Arabian Peninsula; 2) the Arab world (as Western Asia) given that the Islamic venture was and continues to be Arab at its core; 3) the Islamic world as the sacred territory that holds spiritual and legal value for each Muslim, in its simplest form as the fifth duty of the Islamic creed, which is to make the physical pilgrimage to the Hijaz; and lastly 4) mankind's heritage as a focal point of 23 per cent of the world's population today creating not only an international duty to preserve the Hijaz but also a focal point with which the West and the world in general can shape its encounters with Islam and the Middle East.

There are considerable challenges confronting a reimagination of narratives for the collectivity, be it unification *à la* Sanhuri through transnational Shari'a application or a civilisational renaissance, or an international organisation such as the Organisation of Islamic Cooperation (OIC). The first suffers from the pitfalls of nationalism, authoritarian rule and a lack of appreciation for the rule of law in general. The latter is challenged by the organisation of 57 member-states and the reality of belonging to the faltering socio-economically developing 'South'. Furthermore, Islamic solidarity is left confronting a massive backlash of Islamophobia. The regional experiences of other organisations, starting with the 1943 Arab union through the League of Arab States to the Gulf Cooperation Council union has encountered failure after failure.⁸⁰ Foreign meddling, political bigotry, egotism and intrigue, have helped to undermine attempts to bring about true working unions in the region - at the expense of peace and economic prosperity.

⁸⁰ Legrenzi, Matteo, International Peace Initiative, https://www.ipinst.org/wp-content/uploads/publications/ipi_e_pub_regionalism_me.pdf (last accessed 21 November 2016)

The challenges to the Saudi state from both internal and neighbouring militant ideologies are the most chilling. To counter this, King Salman bin Abdulaziz has brought about the Fourth Saudi State, marked by a transition to the third generation of Saudi princes, a firm offensive foreign policy, but yet does not fully comply with the rule of law. Despite Western scrutiny over Shari'a, there is no shame in embracing the rule of law. There is nonetheless a serious role for the Kingdom of Saudi Arabia, to move forward as a state and to move the Middle East along with it.⁸¹ Regional development is no longer a luxury. Serious and powerful diplomacy, soft and hard, is needed in order to avoid a replication of the situation in Iraq and Syria.

Modern history has demonstrated that Hijazis, Arabs and Muslims have more often than not, been victims of international law. But now, there is an opportunity to harness the same laws to assert their new-found worldview. Saudi Arabia remains the custodian of the Two Holy Mosques. The Kingdom's highly centralised, Islamic, and very closed system of government imposes serious challenges for further progress on many fronts. The Hijaz is important to Hijazis and Muslims but other communities may benefit from its reform including the Shi'ite in the Eastern region of Saudi Arabia.

The presentation of the Hijaz as a common heritage must not be regarded by the Saudi government as a threat. It must not be forgotten that the greatest of monarchies have all had to engage in difficult constitutional conversations. It should rather be viewed as an opportunity to better define Islamic governance, and to take into account the evolution of international law; support variations in organisations and institutions, and; guarantee the rights of individuals while accepting different Muslim worldviews. This opportunity to conclusively establish the right to self-determination must be accompanied by a right to enjoy some form of democratic governance; a democratic entitlement, which is realised in free expression and electoral rights as argued by Franck.⁸²

⁸¹ For Example, the Saudi government is making new efforts towards regional cooperation in the fight against Faith-Militant groups. On 15 December 2015, the then Saudi Minister of Defence, Mohammed bin Salman, announced a regional alliance of 34 mainly Muslim states coordinating to fight terrorism. Little information is publicly available on the details of the alliance save for a list of the 34 states involved. The effect of the alliance is yet to be seen, particularly as Mohammed bin Salman did not rule out the possibility of sending in ground troops to fight 'Saudi Arabia forms Muslim 'anti-terrorism' coalition', <http://www.aljazeera.com/news/2015/12/saudi-arabia-forms-muslim-anti-terrorism-coalition-151215035914865.html>; see also: 'Saudi Arabia announces 34-state Islamic military alliance against terrorism' Noah Browning and John Irish <http://www.reuters.com/article/us-saudi-security-idUSKBN0TX2PG20151215> websites last visited 17 December 2015.

⁸² T. Franck, 'The Emerging Rights to the Democratic Government', *American Journal of International Law*, vol. 86, no. 1, 1992, see at page 90: "The entitlement to democracy in international law has gone through both a normative and a customary evolution. It has evolved both as a system of rules and in the practice of states and organizations. This evolution has occurred in three phases. Firstly, the normative entitlement to self-determination. Then the normative entitlement to free expression as a human right. Now we see the emergence of a normative entitlement to a participatory electoral process. The democratic entitlement, despite its newness, already enjoys a high degree of legitimacy, derived both from various texts and from the practice of global and regional organizations, supplemented by that of a significant number of non-governmental organizations. These texts and practices have attained a surprising degree of specificity, given the newness of the entitlement and especially of its requirement for free and open elections".

One way of achieving a Hijazi state (or state of mind) is by a transitional progression towards a constitutional monarchy similar to the one that The Hijaz National Party contemplated over ninety years ago, and one that was accepted by King Abdalaziz ibn Saud himself. In any event, be it an international, constitutional or Islamic legal (*Maqasid*) norm, all signs regarding the difficult question of self-determination appear to be firmly set on a popular trajectory. The famed international legal jurist of Syrian origin, Ghassan Al-Jundi poetically wrote, 'the right of self-determination is open and continuous as an Arabian caravan heading diligently and with rigour towards Sana'a however long the journey may be'.⁸³

⁸³ See: Al-Jundi, Ghassan, *Harvesting The Right of Self-Determination of Populations*, (2016) Amman, Al-Sharq, (published in Arabic) at p. 18 [translation of Author].

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