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The Reform, Judicial, and Political Influence of the Religious Scientist Muhammad Mustafa Al-Maraghi in Sudan for a Period (1908-1919)

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Abstract

The study concluded that Sheikh Al-Maraghi was a man of many talents, a judge, jurist, politician, and cleric. He was cultured, with an enlightened spirit, proud of himself, respected by others, and able, if he saw it necessary, to express his dissatisfaction to his interlocutor, whether that person was the king himself, a person of high standing, or a senior employee of the British government. He focused on modern sciences and preparing judges in Sudan who are familiar with the problems of their society. The study allowed us to learn about the religious, judicial and political role played by Sheikh Al-Maraghi on the reality of social life in Sudan, his vision for social reform, his position on women's issues, his great efforts in the field of family rights and reform of the personal status law, the features of his renewal in the field of the judiciary, and the impact of these reforms that he made on Developing the judicial institution in Sudan through the laws, regulations and legal bulletins he issued in his capacity as Chief Justice of Sudan. The research also addressed Sheikh Al-Maraghi's positions on British interference in the affairs of the judiciary and endonments, his position on World War I and on the call for an Islamic caliphate, and finally his position on the 1919 revolution in Egypt.

Keywords: Al-Maraghi, Al-Azhar, tourist, Sudan, Reform, Judiciary.

Introduction

The focus of this inquiry was Sheikh Muhammad Mustafa Al-Maraghi, a prominent figure in the history of Egypt and Sudan. Specifically, he was a Sheikh at the Al-Azhar Mosque, known for its prestigious status. The research was partitioned into four distinct components to facilitate comprehension. The first segment primarily focused on Sheikh Al-Maraghi's translation of his background, encompassing his lineage, birth, childhood, and family history. It also covered his educational trajectory at Al-Azhar University leading to his graduation. The second part of the text focused on the Sheikh's judicial positions in Sudan, while the third part examined the implemented reforms in the court system. The investigation focused on the political influence exerted by Sheikh Al-Maraghi during the fourth phase in Sudan.

1- Section One: Identifying Shaikh Maraghi

Muhammad bin Mustafa bin Mohamed bin Abdul Munim, Judge Ben Idris bin Salim bin Youssouf bin Mohammed, is connected to Al-Ata Al-Hasniya al-Mahrah (also known as Al-Marragi), and Al-Magi is his last name, not his family's name. He belongs to a long-standing

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family that has upheld the values of science and justice and has inherited a sense of justice from his predecessor (1). The judges have recognized his family as the foremost family worldwide. Maraghi, a village in Sohaj, Egypt, holds historical significance (2). It is home to numerous scholars, ministers, mentors, and politicians. The village has dramatically influenced the character of Mohamed Mustafa Al-Magiy, instilling in him a sense of pride and shaping his intellectual and cultural development. As scientists suggest, one's environment has a profound impact on their intellectual, cultural, and scientific makeup (3).

His father, Mr. Mustafa bin Muhammad bin Abdel Moneim, and Judge Al-Maraghi Al-Hasani were Azharist and scholars. He could not obtain a high degree from Al-Azhar and returned to his town to work as a legal official there (4). He remained in this religious position throughout his life (5). His father was a well-educated man who enjoyed a good reputation and held an honorable status in the community in which he lived. He is well-educated, enjoys a good reputation, and has an honorable status in the community in which he lives. He is knowledgeable in some religious sciences, respected by the people of Maragha, and an authority for them in religious matters. He was known for his piety, righteousness, and knowledge; this family had its status and prestige (6).

God Almighty honored his father, Sheikh Mustafa Al-Maraghi, with twelve children. Sheikh Al-Maraghi has eight sons, four daughters, seven brothers, and four Azharians. They are Sheikh Ahmed Mustafa Al-Maraghi, Sheikh Abdul Aziz Mustafa Al-Maraghi, Sheikh Abdullah bin Mustafa Al-Maraghi, and Sheikh Abu Al-Wafa bin Mustafa Al-Maraghi (7).

Sheikh Muhammad Mustafa Al-Maraghi was born in Maragheh on March 9, 1881 AD. He had a degree of knowledge and culture. His father pushed him to memorize the Holy Qur'an and taught him a share of general and religious sciences and knowledge. In the village, the Sheikh learned the principles of the primary subjects that qualified him to join Al-Azhar. He read, wrote, and memorized the Holy Qur'an in the village's books. He showed the qualities of virtue. God gave him a conscious heart and a strong memory, so he completed the Holy Qur'an before he was ten. When he completed his studies in Maragha, he began to visit scholars in the city of Tanta, which is adjacent to Maragha (8).

His father sent him to Cairo, and he hoped to join Al-Azhar. Al-Maraghi achieved what his father aspired to, so he was accepted into Al-Azhar, where he received knowledge and studied under the great sheikhs and scholars (9), including his teacher, Sheikh Muhammad Abduh, and through him his mental talents blossomed. He was influenced by his behavioral approach and his reformist call. And his patriotic stances and he followed his approach to renewal. He was also influenced by Sheikh Ali Al-Salhi, who was one of the young, enlightened, and accomplished scholars of Al-Azhar. He received Arabic sciences from him and was greatly influenced by his style of eloquence (6).

Al-Maraghi was known among his fellow students for his noble morals, keenness to seek knowledge, and ability to achieve it. He used to read the lessons before the teachers delivered them and to read other books with them, and all sources of knowledge. At that time, Al-Azhar was experiencing a very active reform renaissance. The reformer and Islamic thinker Jamal al-Din al-Afghani came to Egypt in 1870 and attracted men of reform and leaders of culture and thought, led by Sheikh Muhammad Abduh and those of the pen and tongue (10).

Al-Maraghi was a hard worker, had a good memory, and knew Western sciences. He claimed that Al-Azhar Al-Sharif's curricula prevented students from studying sciences independently and correctly. Since it would take 40 years to get the international degree, the student graduated.

Sheikh Al-Maraghi discussed this rigorous structure. He would only accept lessons from Al-Azhar sheikhs that he could not learn alone, and he would not read their books since it would take too long. He would take the keys to knowledge and its foundations and study them alone or with some of the brightest minds in knowledge until time ran out (11).

The international test allowed Al-Maraghi to finish the last two years of education in one year. Therefore, he received the international credential in ten years at twenty-four, an early age for Al-Azhar students. He was younger than his guardian in every position, even Al-Azhar Grand Master—age (3). On May 26, 1904 AD, Sheikh Al-Maraghi passed the international exam with a second-class mark. Sheikh Muhammad Abdo, one of the examinees, noted that Sheikh Al-Maraghi was ill but told him, "I was successful in answering, and his rank was first in his class, even although he did not obtain first class because the examination committee had trouble agreeing on it, and first-class eligibility requires a consensus. To honor him, Sheikh Muhammad Abdo invited him to his home (6). Most worldwide exam passers earn a third-class rating.

Obtaining an international certificate allowed its holder to teach at Al-Azhar Mosque because the number of graduates was small, no more than the fingers of one hand per year. Hanafi graduates had advantages because the Hanafi school was the official state school of thought. In particular, those who obtained one of the first or second degrees worked as teachers until the Sheikh led the teaching circle at Al-Azhar from August 1 to October 30, 1904, when crowds of students gathered around him and filled the lesson circle due to his accurate research and profound ideas (12). The phrase's eloquence demonstrates his influence on this work. Sheikh Al-Maraghi became famous among the students in his Al-Azhar Mosque circle. After graduation, he taught them in a new way that sought the truth and introduced the listener to literature and philosophy (3).

Sheikh Muhammad Mustafa Al-Maraghi was Hanafi (13), but not extreme. He borrowed from different schools of thought to fit the times and interests. He knew various schools of thought and saw unification and the elimination of sectarian divides or limited divisions to resolve their disagreements (14). It is necessary to study sects without sectarian fanaticism, as they split the nation that united the Holy Qur'an. Sheikh Al-Maraghi believes that Islamic jurisprudence should be studied without fanaticism toward a particular sect and about the origins of evidence. The goal should be to make jurisprudence rulings appropriate to different nations' eras, places, customs, and moods. (15). In 1908, Mohamed Mustafa Al-Maraghi married Sharifa Aisha Hanem Shihab al-Din Ahmed al-Qadi. Her ancestors are pure Husseinis. He treated his wife with unmatched respect and understood Islam's concept of women and that no one is more generous to them (16).

Sheikh Al-Maraghi was an exceptional parent and family leader who embodied authentic Islamic education and great Arab taste while incorporating modern culture under Islamic law (17). Sheikh Al-Maraghi nurtured his children civilly and without nervousness, considering them his assets. With the turban on, he had twelve offspring, seven boys, including Minister of War Ahmed Mortada Al-Maraghi (18). The Sheikh taught his kids independence early on. He considered them big brothers and advised them on most family concerns. His children had particular files with academic records, school certificates of commendation, and other information. Each of his children succeeded in this parenting. His career is impressive; most have top positions in Egypt and overseas (17).

2- Section Two: Sheikh Muhammad Mustafa Al-Maraghi in Sudan (1904-1919)

2-1- Judicial Positions in Sudan

Since Sheikh Muhammad Abdo was the Mufti of Egypt then, the Sudanese government asked him to choose Sharia judges. Sheikh Muhammad Mustafa Al-Maraghi, a member of the Hanafi sect and possessing an international degree, was nominated as a suitable Sharia judge. He was also one of his best students. Al-Maraghi became a judge for Sudan's Dongola District on November 1, 1904, and then for Khartoum in 1906 AD. Sudan's highest-ranking judge after the Chief Justice (19). This position helped him overcome political obstacles and promote religion and truth in Sudan. The Sheikh's explanations of national issues inspired many southern students to become Islamic nationalists. This implied that the clergyman was a political contributor. It promotes Islamic national unification through religious teachings, not politics (20). He, the Chief Justice, and the Judicial Secretary disagreed in 1907 AD on Sudanese Sharia court inspectors and English vs. Egyptian judges. English judges earned fifty Egyptian pounds, while Egyptian judges earned fourteen pounds. Sheikh Al-Maraghi rejected a six-pound incentive from British Judicial Secretary Sir Edgar Bonham Carter for Egyptian judges. I'm surprised a Sharia judge wouldn't accept a six-pound monthly incentive, said the judicial secretary. The Sheikh replied I'm as amazed as you are that a British judge gets fifty pounds and an Egyptian Sharia judge gets twenty pounds. The Sheikh requested a three-month leave and returned to Egypt. Though the judicial secretary asked him to return, he resigned (7). The Ministry of Endowments general office appointed him as a religious courses inspector on September 9, 1907 AD. At Al-Azhar, his circle was full of students; he worked and liked teaching (21).

Sudan lost its Chief Justice in 1908. The Sudan Government Council appointed Sheikh Muhammad Mustafa Al-Maraghi for this position because of his administrative and judicial skills and strong ties with everyone. They requested his appointment as Chief Justice by Egypt. Sudan. Hussein Rushdi Pasha, Minister of Endowments, talked with Sheikh Muhammad Mustafa Al-Maraghi and Sultan Pasha, a Sudanese agent in Egypt. The Sheikh asked him: The Sudanese government denied me the position of Sharia court inspector last year, so how can you accept being a judge today? He replied: Today, the government is convinced of what it wasn't, and I want to know the conditions for accepting this latest viewpoint. His most crucial demand was that Khedive Abbas Hilmi II, the Muslim ruler of Egypt, appoint him instead of the British ruler of Sudan, a new development. Its political and legal consequences in Egypt's relationship with Sudan made it unknown and ineffective. This established the Muslim ruler's legal guardianship in Islamic countries, and he insisted on his terms. Herbert Kitchener, the British representative, asked the Sheikh, "How can you stipulate this when we raise your salary to more than seven times your current salary? My Eminence declared I would only accept the position by Egyptian Decree (16).

The British government granted his request. Khedive Abbas II appointed him on August 1, 1908, despite British plans to cut Sudan-Egypt links. Interestingly, Khedive Abbas Hilmi II stopped signing the Egyptian Decree appointing him as a judge of Sudan because he remembered finding a blind imam in one of the mosques where he performed Friday prayers. He became enraged and asked Sheikh Al-Maraghi, a mosque inspector at the time, how the imam of the mosque where I prayed could be blind. Islam does not require the imam to be blind or see, so the Khedive rushed out angry. The imam was the late Sheikh Yusuf al-Dajwi, one of Al-Azhar's most esteemed thinkers. The Khedive hesitated to approve the mandate because of this position. He told Hussein Rushdi Pasha, I dislike him. He said that this man wanted to safeguard the country's rights and demanded an Egyptian decision to appoint him.

The Khedive stated he would sign the Decree if this happened. (10). Sheikh Al-Maraghi was the youngest Chief Justice. He was 27 and had worked in Sudan from 1908 to 1919 (22).

2-2- Influence on the Position of Judge

Since Sudan's Chief Justice is also the Minister of Justice, the Sheikh accomplished many wonderful things during this time. Judges, clerks, and court staff were appointed and answerable by the head judge. The Sheikh introduced court inspection, which substantially altered his organization. The Sudanese judges at the time were inexperienced, so the Sheikh cleverly asked each court to send a monthly list with a synopsis of all cases and the court's verdict. He reviewed these and wrote his explanation of the verdict in a specific box. Possible mistake found. He sometimes asks the judge for specifics and tells him what to do if the case is presented differently. If the Sheikh believes the ruling was seriously flawed and unfair to the convict, he cancels it and requests a retrial (16). This strategy educated and guided Sudanese judges. When the Sudanese government attempted to change the roster of Sharia courts, Sheikh Al-Imam said he may determine judges' jurisprudential opinions and rules. The Judicial Secretary rejected this, but Sheikh Al-Maraghi insisted. He revamped Sudan's Sharia judiciary as a professor, instructor, and judge mentor. The Sheikh oversaw Gordon College's Sharia department while training Sudanese judges. After providing the college with Egyptian scholars from Al-Azhar, Dar Al-Ulum, and others, a new batch of judges graduated with more knowledge, making him the true founder of the current Sudanese Sharia judiciary (6). While in Sudan, the Sheikh learned English.

3- Section Three: Sheikh Al-Maraghi's Judicial Reforms in Sudan

After overthrowing the Mahdist regime in 1898 and restoring Sudan, the British-Egyptian administration reorganized the Islamic court system (23). As Sudan recognized Islamic law and issued the Islamic (Sharia) or (Muhammadan) Courts Law (The Mohammedan Law Courts Ordinance 1902), Britain sought to reassure Muslims, prevent extremist movements, and consolidate moderate Islam (24). The top judge, the mufti, and one or more members formed the Supreme Court in 1902. Al-Maraghi was Sudan's chief judge from August 1908 to July 1919 (25) third chief judge. Though only twenty-seven, he had three years of experience as a judge in Dongola and Khartoum (26). Sudan's authorities trained enough judges to eliminate the need to hire Egyptian justices, who demanded expensive fees and had nationalist views that could harm the population. Since 1902, Gordon College has offered judgeship programs. Sudanese youth lacked work skills and capacity until 1908. Al-Maraghi and the Governor-General agreed not to open new courts but to raise judges' pay and qualifications. Al-Maraghi focused on Sharia court worker qualifications (27).

Al-Maraghi oversaw Gordon College's Islamic Sharia Department and closely monitored the judges and their assistants' work, remembering what his Sheikh Muhammad Abdou told him when he appointed him a judge in Dongola in 1904: (I advise you to be a guide to the people more than a judge. If you can convince the plaintiffs to reconcile, don't rule since a ruling pulls away family ties while reconciliation heals wounds and unites hearts (28). Governor Herbert Kitchener's 1912 Sudan report on Sharia Courts stated Sudan's Chief Justice, Sheikh Mustafa Al-Maraghi, still runs the Sharia Courts competently. As usual, he wrote a helpful annual report. The Sharia Courts have undergone significant changes. It has a High Court, a Court of Commons, 11 district courts, 34 district courts, 48 judges, 82 clerks, etc. Judicial Secretary Bonham Carter's report states that most needed teachers come from Gordon College's

teachers' school. Through their behavior and work, employees show that the Knowledge Authority's education and discipline have been worthwhile (25).

Article 8 of the 1902 Decree authorized future reforms by stating: (The Chief Justice shall, from time to time, with the Governor-General's approval, make regulations consistent with this Decree concerning the organization of judgments, litigation procedures, and the Mohammedan (Islamic) Courts' composition, jurisdiction, and functions. As Sudan's Chief Judge, Al-Maraghi created and issued various regulations and legal bulletins controlling the judiciary's activity based on this article's rights. Article 8 helped Sheikh Al-Maraghi and his successors. English legal authorities certified these bulletins, which guided changes and Sharia adaptation in Sudan, through consultation with the Chief Justice and Supreme Court judges (29). Sheikh Al-Maraghi implemented reform during his rule. He revised the fees and court officials in 1912 to clarify their roles and discipline them for infractions. He also replaced Sheikh Muhammad Shaker's lists of organization and order in 1915 with the Regulations for the Organization of Courts. He legitimized several systems and continued to reform them if he had a basis (27). Al-Maraghi's key regulations and bulletins include:

3-1- Regulations Regulating the Work of the Shariah Authorizer

Al-Maraghi saw a flaw in how the legal official works, so he took an interest in solving it, codified the legal official's duties, and issued a regulation based on Article 8 of the 1902 Decree, issued in 1912.

The authorized person must have good knowledge of Islamic law, especially marriage and divorce, and must register marriages and issue divorce certificates after ensuring that nothing prevents the marriage, neither civilly nor religiously. A marriage between a man and a woman is valid. He must also determine whether they are adults or minors and register the marriage, taking into account the judge's written approval and ensuring that the person who concluded the marriage is the legal guardian of one of the spouses or his replacement, that the marriage belongs to the same social class as the wife, and that the dowry matches his social status. The regulations also outline the keeping of records and the required information. Individuals must sign or stamp all paperwork; they must forward marriage contracts and divorce certificates to Sharia courts; and judges must review the records at least three times a year (29).

3-2- List of the Scientific Institute in Omdurman

Until 1912, academics taught religious sciences in their houses. Experts chose the site between the Omdurman Mosque and the scientific institute's administration offices for instruction. According to Al-Azhar Mosque's schedule, the Omdurman Scientific Institute began teaching in its first year after the government approved its construction. The government accepted Sheikh Al-Maraghi's Omdurman Scientific Institute laws in 1913. Three of nine high school graduates passed the civil certificate test in 1920 and the international certificate exam in 1924. The third was an institute teacher, and two were judicial employees (26).

3-3- Regulations Organizing Sharia Courts and Litigation Procedures

Al-Maraghi issued a second Sharia court organization and litigation regulation in 1915. First, this legislation and the 1902 order laid the groundwork for Sudan's judicial system. It lets the top judge drastically change Personal Status Law provisions. Nearly 300 articles in seven chapters covered Egypt's Sharia court laws until 1910 (27).

The judicial hierarchy was determined starting with the central courts, which are courts

of first instance save for endowment and inheritance cases over a particular value. The district courts are the center courts' appeals courts and supreme courts in places outside their jurisdiction the Supreme Court appeals and cassettes. The chief judge can declare a ruling in a matter not presented before the courts, evaluate an appeal in a case where the district or district courts have published their ruling, and request the transfer of a case file (29).

He handles deceased Muslim wealth and receives complaints. A committee consisting of the Judicial Secretary, Chief Justice, Mufti, and Inspector of Sharia Courts oversees all courts except the Supreme Court. This committee prevents judicial errors but cannot urge a reconsideration of verdicts unless they violate Sharia. In this case, the Supreme Court will reconsider (27). He noted that Sharia courts are independent and do not have to report their decisions to civil authorities. Despite the rules, judges must follow the correct Hanafi statements because it is the official philosophy of Egypt. In some situations, the chief judge could urge them to evaluate their rulings based on Hanafi's comments in a legal memorandum or bulletin, which is not the most likely (weak chain of transmission), the prevailing jurisprudence of the Maliki school, the opinions of jurists from other legal schools, or the sayings of early Muslim jurists, to achieve harmony of Sharia with life, to go beyond choosing between rulings and find a combination of legal rulings from different sources (30). Thus, jurisprudence schools generate legal rulings on specific topics. This means that the Chief Justice has opened a loophole in the principle of imitation and will be able, whoever comes after him, to choose the jurisprudential opinion he deems best on some special issues, especially making room for the Maliki school of thought, to which most Sudanese belong, which will allow him to amend divorce laws to benefit women.

3-4- Legal Bulletins

Between 1908 and his return to Egypt in 1919, Al-Maraghi drafted fifteen legal bulletins bearing the numbers (9–23), and they can be classified into two groups:

3-4-1- First Group

A group of administrative bulletins deals with some particular topics related to the functioning and jurisdiction of Sharia courts. This group includes five bulletins, namely (27):

- Bulletin No. (9): It aims to create a kind of coordination between the Sharia courts in Sudan and their counterparts in Islamic countries, as the Sudanese courts approve documents issued in Eritrea, provided that they are sealed (with red wax) by one of the judges in this country and that they have received the approval of the Judicial Secretary in Sudan.
- Bulletin No. (16): Specifying how contracts that grant or cancel a power of attorney are recorded or filed (with judicial authorities).
- Bulletin No. (18): of 1915, clarifying lawsuit procedures
- Bulletin No. (20) in October 1916: specifying tariff values and fee schedules.
- Bulletin No. (23) In April 1918: Recognizing the validity of rulings issued by the Hejaz courts if approved by the British authorities in Jeddah.

In both cases, any document issued by a court in Sudan will be transmitted to the country in question through the Judicial Secretary.

3-4-2- Second Group

This group includes wealth transfer bulletins, some of which contain administrative orders to the courts and information about cases under their jurisdiction. The dual rule has led to economic flourishing in the northeastern part of Sudan: the rebuilding of Khartoum, the establishment of railway lines connecting major cities, the growth and development of agriculture, the increase in urban land prices, and the emergence of small companies and a new class of employees. These innovations enriched some people and motivated Muslim judiciaries and jurists to purify and crystallize wealth transfer regulations for moveable and immovable property (27). This set includes 10 pamphlets:

- Bulletin No. (10): deals with some issues related to divorce
- Bulletin No. (11) and Bulletin No. (13) of February 5, 1913: dealing with dowries and gifts.
- Bulletins No. (12) in May 1912 and No. (22) In December 1916, mention the rules to be followed when dividing lands.
- Bulletin No. (14): Related to the transfer of funds through inheritance.
- Bulletin No. (15) In February 1914, The dual government arrangement encouraged Egyptians to live in Sudan and Sudanese in Egypt for extended periods, and the courts had to decide on the deaths of persons without property who died abroad. Death site heirs. In this bulletin, the two countries agreed that if deceased people have no known heirs following research and investigation, their money will go to their current country.
- Bulletin No. (17) of 1915: This publication is noteworthy in Al-Maraghi's legal literature because it reforms the divorce law, which is now based only on Maliki opinions and no longer on Hanafi ideas. The bulletin covers three issues: legal alimony, the wife's right to divorce if the husband stops paying her, and Articles 1–12, which are unique to them. Articles 13 and 14 outline the reasons for which a wife can divorce. Article (15) addresses spouse arbitration (29).

In this publication, Al-Maraghi relied on Maliki opinions, which differed significantly from Hanafi's ideas, which had previously been the law. Hanafi law allows divorce for the cessation of maintenance or wife abuse. The Hanafi school of thought also holds that an absent man is not dead until 90 years after his birth or after all his age-mates have perished. Since the Malikis believe an absent man is dead after 4 years, the woman can marry again. Al-Maraghi followed the Maliki divorce doctrine, which was less strict than Hanafi. Al-Maraghi followed Muhammad Abduh and his disciple, Qasim Amin, who opposed Hanafi's blindness. Egyptian legal jurist, Sheikh Muhammad Shaker influenced Al-Maraghi, who Sudan's first chief judge influenced. In 1892, Al-Maraghi proposed allowing young wives whose husbands were serving long prison sentences to divorce, as he believed that their loneliness would motivate them to avoid infidelity. In 1899, he addressed Muhammad Abduh, Egypt's Mufti, explaining the importance of following the Malikis' beliefs, which recognized women's freedom to divorce for other reasons. This new law allowed Sudan to embrace these reforms before Egypt, which would not enter Egypt until 1920 and 1929 at Sheikh Al-Maraghi's insistence (27).

- Bulletin No. (19) in January 1916: It specifies the cases in which the transfer of a share of the estate to another heir or a stranger in the family is related to the Sharia courts.
- Bulletin No. (21) in October 1916: relating to the procedures followed by judges to estimate the estate's value and divide it among the rightful owners (31).

4- Section Four: The Political Role of Sheikh Al-Maraghi in Sudan

4-1- Sheikh Al-Maraghi's Position on the Interference of the British Judicial Secretary in Judicial Affairs

When the Sudanese government wanted to change the list of Sharia courts, Sheikh Al-Maraghi issued a list similar to Egypt's. Still, it gives the chief judge broad authority, including the right to choose the judges' jurisprudential opinions. Sir Bonham Carter, the Judicial Secretary, declined to endorse this authority, and Chief Justice Al-Maraghi refused to change its wording. Chief Justice Sheikh Al-Maraghi opposed the judicial secretary's argument; however, this was not the case. To narrow their disagreement, the Sheikh said: We had different viewpoints and couldn't persuade each other. We must dispute, and I am not asking you to quarrel with the Sharia academics in Egypt, but I will accept the dispute with the Governor-General if you only see him with me. Sir Francis Reginald Wingate, the Governor-General, reported their disagreement. This quarrel was conditional on him, but he found nothing. He informed the judicial secretary that he had sided with Sheikh Al-Maraghi without hearing the parties. The judicial secretary told the Sheikh he had given up his opinion for him but would try again when the judge changed. This incident has several connotations. It includes the Chief Justice's status with the Governor-General and his knowledge that he acts rightly and protests his opinions. One of his concerns was that Egypt and Sudan would perceive it as British interference in Islam and Muslims' affairs (7).

4-2- Sheikh Al-Maraghi's Position on the Endowments of the Khartoum Mosque

Al-Maraghi worked tirelessly for religion and the people, giving no option but to pursue it to the truth. Khartoum had one Egyptian Ministry of Endowments-built mosque. It was unfinished when he returned to Khartoum. Sheikh Al-Maraghi investigated and maintained the mosque. This mosque had previous endowments, but Lord Herbert Kitchener and the Egyptian Yuzbashi engineer Muhammad Al-Saeed Samaha re-planned the city after Mahdia and organized it according to the situation, losing and changing its endowments. Herbert Kitchener had promised that he would return to anyone who lost his home or property in a similar area anywhere, and Sheikh Al-Maraghi ordered the engineer and officer, Al-Saeed His Eminence, to examine the old archives for this mosque's endowments, which he did. He showed the Sheikh a list of Khartoum mosque endowments and their locations. The Sheikh showed Sir Francis Reginald Wingate, Sudan's Governor-General, and discussed the statement. He reminded him that the British had violated their traditions of following religious rites and safeguarding the homes of God by taking the Khartoum Mosque's endowments without recompense. There was no price, and the Governor General was shocked and denied it. If this has happened, I'll repair it (32).

The Sheikh inspected and vowed to search. Upon his return, the Sheikh clarified that these properties had been resolved and expressed his intention to provide unoccupied plots in Khartoum instead. The Sheikh agreed, except for five acres on the Nile, where the British administrator of Khartoum constructed a large residence. Sheikh refused to replace it. He touched it, and the Governor-General asked, do you want us to terminate the manager? He declined, but I'll rent him the house. The governor agreed to incorporate it into the endowment and rent it to the government for 250 Egyptian pounds each year. The government gave the endowment land in a contract between the judge and the governor-general. The Sheikh was its overseer, and the All Sudan Sharia Court has kept the endowment book until now. Sudan's first endowment. If he borrowed 4,000 pounds from the National Bank in Khartoum, the Sheikh might invest in the unoccupied land and mortgage it for rent. The bank agreed. The manager's house was unusable, so he erected inhabited Khartoum dwellings and repaired the

mosque with the money. These endowments increased with house rent, thanks to Sheikh Al-Maraghi (16). Thus, Sheikh Al-Maraghi has used his legal position to help society and protect public endowment monies. This shows his administrative skills and unconventional professional thinking.

4-3- Sheikh Al-Maraghi's Position on King George V

In-person, the Sheikh was kind and generous. He was courageous and unafraid of criticism. He was pretty proud of his religion, knowledge, and self. His stand with the British military governor of Sudan on King George V's travel to Suakin in Sudan for the British Monarch's inauguration as Emperor of India was proof of this. The ship conveying the king to India will pass by Sudan's port; therefore, high officials and notables were ordered to go. Sheikh Al-Maraghi, a Sudanese judge, learned that he had been the first to receive an invitation and that the royal ceremonies and system had been established. The British Foreign Ministry demands that only the Governor General board the ship and that society and senior officials line up close to it for a royal view (14). After learning of this arrangement, the Sheikh notified the Governor-General that if the British Foreign Office persisted, he would not travel to the port or attend the reception unless he boarded the ship to meet the monarch. His government informed the Governor-General that the system had been amended, that two men would board the ship, one of whom was the Chief Justice of Sudan, and that the king's entourage had been informed. The ship was at sea at the time. Al-Maraghi boarded the ship and met with George V after the administration changed the protocol due to his stance. The British and international writers criticized Al-Maraghi for not bowing before the monarch when shaking his hand. Still, he replied proudly: (It is not in our religion to bow to anybody other than God) (27).

4-4- Al-Maraghi's position on the First World War

On November 11, 1914, Sultan Mehmed V and Sheikh al-Islam called for jihad as the Ottoman Empire joined Germany. Sir Wingate, Governor-General of Sudan, did everything he could to make Egyptians and Sudanese reject Ottoman propaganda to turn them against Britain from the start of the war. He leaned heavily on traditional religious forces he knew influenced the populace. On November 9, 1914, the Sudan Times published an article by Grand Judge Sheikh Al-Maraghi, who regretted that the Ottoman Empire was siding with the Germans and urged Muslims to be cautious and not fall into traps. He believes that the Ottoman Empire is wrong in allying itself with Germany and dragging the Muslims into a conflict they were unprepared for, igniting the flames of combat (31). Furthermore, he asserts that the Germans deceived the Ottoman Empire, luring them into war and gaining control over their sectors, government, army, and navy, all of which were committed to safeguarding the nation's honor and rights. They made the Ottoman Empire declare war by manipulating some ruling party members' thoughts and exploiting their inexperience and shortsightedness in politics (33).

4-5- Sheikh Al-Maraghi's Position on the Call for the Arab Caliphate

The Ottoman Empire's appeal for Muslims to jihad during World War I deeply troubled the British, who sought an alliance with an Arab ruler with enough power to counter the cry for holy war. British commanders considered establishing an Arab caliphate, and Mecca Prince Sharif Hussein was their choice. He is an outstanding Caliph candidate because he descends from the Messenger (may God bless him and wish him peace), is the defender of the Holy Lands, and holds a high position in Islam (29).

Britain, fearing religious sentiment in Islamic countries, sought the assistance of scholars to

issue fatwas interpreting the hadith of the Prophet (may God's prayers and peace be upon him and his family) regarding the caliphate or the imams among the Quraysh. This fatwa would support the opinion that this hadith does not apply to the Ottoman Caliphate because it is not worthy of it, so Muslims do not follow it. Sir Wingate, the Sudanese Governor-General, solicited clerics' opinions on Sharif Hussein as Caliph. According to some experts, Sharif Hussein may have wanted to satisfy the ruler and believed he was fully qualified to succeed (34).

Al-Maraghi addressed three letters to the Governor-General of Sudan in 1915, stating his succession position and urging Britain to support an independent Arab monarchy. The speeches are summarized as follows: The exact status of the Caliph is weird and unfamiliar, but the ruling is that he should be from the Quraysh, the tribe of the Prophet. The present Ottoman sultans cannot claim this honor (31). However, they retain the title for three reasons: first, they received it from the last Abbasid caliph in Cairo in 1517; second, their sultan guards the Holy Prophet's relics, such as his cloak and beard hair; and third, he is the current ruler and defender of holy places. According to Al-Maraghi, religious rites must be observed and are not subject to research or interpretation. The caliphate doctrine is worldly and tied to religion in some ways. He states: (A caliph is always a king who exerts power.) He gives his citizens powers from the sacred scriptures, and other rulers rule by laws made by intelligent minds (27). Al-Maraghi realized that his proposals were luring him to recognize the legitimacy of the Ottoman Caliphate, so he emphasized that his goal was to defend only (a religious and historical principle). Muslims must now decide if the Caliph meets the nation's hopes, and if not, they must choose another successor. In his correspondence and essays, Sheikh Al-Maraghi stated that the caliphate in the Quraysh does not require the Caliph to be a Quraysh but rather a Muslim with solid fanaticism who can defend Muslim lands. This applies to the Ottoman Empire, the strongest Islamic nation. According to Hadith, Britain failed to achieve its objectives (16).

Al-Maraghi said Muslims must choose a caliph and obey him, but nowhere did he mention Sharif Hussein. He only notes that the Arabian Peninsula cherishes their holy locations and emphasizes that Britain must assist the Arabs in establishing an independent kingdom led by an Arab caliph, which should encompass Egypt in this kingdom of the Arabian Peninsula, Mesopotamia, and Syria, and writes: Given Egypt's location and wealth, he hopes it will represent part of the coming Arab caliphate and be its center of government because Egypt has a large number of Muslims who can be assigned to state affairs. Britain must officially announce that it is committed to helping the Arabs achieve their aspirations to dispel the fears raised by the 1914 declaration of protection over Egypt, the British occupation of Basra, and the military operations in southern Mesopotamia. He also warns the Sudanese ruler that if Britain betrays the Arabs' trust and occupies their lands, they will face permanent difficulties (34).

4-6- Sheikh Al-Maraghi's Position on the 1919 Revolution in Egypt

Sheikh Al-Maraghi led Egyptians in Sudan in a drive to support the 1919 Egyptian revolution and help its victims. They described the revolution's miseries in a bulletin titled "A Subscription for the Victims of the Revolution in Egypt" and requested donations from Egyptians in Sudan. Sudanese support for the Egyptian revolution was expressed through it (29). The British accused him of starting the Sudanese revolt. He refused to halt when Sudan's civil judiciary head and Deputy Governor-General Robert Hay Dun requested him to. The Sheikh angrily replied I recognized that you knew your duty! When Mr. Dunn said, I am speaking to you as president! There is no president here. The governor-general is appointed by royal order and

is the political ruler, while I am the judge of judges, and neither oversees the other. The governor-general left the judge of judges (27).

The Governor-General of Sudan, Sir Lee Stack, invited the Sheikh to tea and discuss issues. Sheikh Al-Maraghi remained stern and reminded the Governor-General that his idea could not have hurt Britain because he called on his compatriots' chivalry instead of encouraging them to unrest, and he turned the violent current into a cash current that would not harm the British. He called on his compatriots' chivalry instead of encouraging them to unrest, and I turned the violent current into a cash current that would not harm the British. I hoped the British administration, especially the Governor-General, would appreciate me and that the revolution would not worry me. If the Sudanese raised his sword and I told him, "There is no god but God," his sword would fall. The Governor General stated: I told the British here and in London that Sheikh Al-Maraghi cannot be discussed or overcome, and it is impossible to convince him. Sheikh Al-Maraghi is one of the most intelligent individuals! The British Tabloid the Times stated, "Remove this man, for he is more dangerous to our country and our lives than the scourge of war!" (23).

Sir Lee Stack, the Governor-General, surrendered and let the Sheikh collect donations until his deadline. Al-Maraghi received about six thousand pounds from this subscription, but the High Lord, Lord Allenby, objected, making it impossible to send to Egypt. The Sheikh convinced a civil court judge to award it to Islamic and Coptic humanitarian organizations to distribute to revolution victims. Sir Lee Stack wrote to Lord Allenby at the end of May, "The only event worthy of attention is the subscription initiated by the Chief Justice for the victims of the recent insurrections in Egypt, although I am satisfied that... The Chief Justice believed that the subscription was the most peaceful way for Egyptians to express their sympathies in Sudan. I was disappointed he didn't tell me before its launch. Thus, the Governor-General repeats Al-Maraghi's arguments to show that his initiative is not hostile. Still, he emphasizes that he had asked him to stop his subscription to prevent a revolution among Egyptians in Sudan (29).

Sheikh Al-Maraghi led national and revolutionary support for the 1919 revolution. He staged a big rally in Sudan and collected Egyptian and Sudanese signatures to support Saad Zaghloul Pasha's (1857–1927) leadership of the revolution and authorize him and his friends to demand independence (7). The British were furious at Sheikh Al-Maraghi; some suggested imprisoning, arresting, and exiling him. Still, the Governor-General of Sudan feared the Sudanese people's anger, so he granted him urgent, unlimited leave to return to Egypt. This ended his work in Sudan in July 1919 (35).

5- Conclusion

Based on the information provided, it is evident that Al-Maraghi could assume judicial and leadership positions. He exhibited a robust personality and demonstrated political astuteness through his disagreement with the British judicial secretary in Sudan. He also refused to compromise on the rights of Egyptian judges. In addition, he required the Khedive, Abbas Helmy, to issue a royal decree authorizing his appointment as Chief Justice of Sudan. This condition aimed to confer legal importance to the judge's position and political significance to the unity of Egypt and Sudan. His political acumen was apparent when he provided financial support for the 1919 revolution in Egypt and actively gathered funds for it. Additionally, he refrained from advocating for rallies and armed action due to political reasons.

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