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Robert Schuman Centre for Advanced Studies
The Middle East Directions Programme

WORKING PAPER

**The management of religious law and police
by HTS in the Idlib region between 2017 and
2024**

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Abstract

This paper analyses the religious policy of the leader of HTS, Al Jolani, in his fiefdom of Idlib, during the 8 years following the creation of the movement. Before that, Jolani was a jihadi leader among others in Syria. But after 2017, he delegated some power to local institutions and notables, mainly religious clerics. Most of them were salafis and pushed for a strict application of sharia, particularly concerning women: they opposed gender mixing and public entertainment. Jolani on the contrary, decided to dissolve the religious, to keep the University gender-mixed and not to implement some of the sharia-based punishments proposed by the clerics. The paper analyses these tensions in detail and try to fathom what could be the approach of sharia by HTS which is now in charge in Damascus.

Keywords

Syria, sharia, jihad, HTS, Islam

Introduction by Olivier ROY

The fall of Damascus in the hands of HTS on December 8th 2024 opens a new chapter in the Middle East. HTS (*Hay'at Tahrir al-Sham*, -Organization for the Liberation of the Levant) is an Islamist movement, previously known as *Jabhat al-Nusra* ("Front for the Victory"), which started in 2011 as part of ISIS, then joined Al Qaeda from 2013 to 2016 and after leaving AQ was the core of a new movement called HTS. HTS' leader, Ahmed Hussein al-Chara known as Al-Jolani, has claimed since 2016 that the movement has given up any call for jihad, has softened its view concerning the application of sharia and has not only opened to other political groups but recognizes that Syria is a multi-ethnic and multi religious society.

In order to put his declarations in perspective, it is important to study how the movement did manage the civil society in the area of Idlib, which has been under its control since 2016. The article of Patrick Haenni deals with a very important issue: the management of religious law and police during the last 8 years, in order to shed some light of what could be its religious policy once in power.

Patrick Haenni, visiting fellow at the EUI, is an expert on Syria. Fluent in Arabic, he has regularly sojourn in Syria since the Arab spring. He has been able to travel all over the country, except in ISIS controlled areas. He has been watching closely the situation in Idlib where he went many times since 2019. He met Jolani of course but was also able to reach out to local leaders, notables and religious clerics, observing the tensions as well as the way Jolani set up a relatively neutral administration, through a cooperation with notables and civil servants who had no link and no ideological commitment to his organization. This includes of course the Christian community, which is free to practice in its churches and convents.

This paper concentrates on the issue of sharia. Instead of pushing for the implementation of the religious law, as did the Taliban in the areas they controlled in Afghanistan, Jolani has suppressed the religious police and did not enforce the punishments in case of obvious inobservance of religious law in the public space. The opposition to his religious policy, interestingly enough, did not come from secularists but from conservative and salafi milieus, who call for the re-creation of a religious police to enforce a stricter control of the mores, that essentially concerns the attire and the mobility of the women.

The evolution of HTS in respect to sharia goes along with the evolution of some other Islamist parties in the Muslim world: Ennahda in Tunisia during the Arab spring, or the PJD in Morocco after their electoral success in 2011. It is a clear break with jihadism, in the sense that they do not promote a supra-national umma through an armed movement. It is also a clear break with Salafism, in the sense that they do not want to impose sharia on the society. They acknowledge that "Islam is not the solution", but defend a very conservative and traditional conception of society and gender relations. How to maintain an "Islamic" identity while claiming that they accept the ethnic and religious diversity of Syria? Will they accept that secularism or even atheism is part of religious freedom and freedom of consciousness?

Olivier ROY

Moralizing a nascent public sphere In Idlib: respect the martyrs but don't kill the market!

At the end of 2023, the *Shura* Council (Consultative Assembly set up by HTS) ratified a public morality law¹ (*qanûn al-adâb al-âma*). The law is divided into sections regulating different areas such as wedding halls, markets and malls, restaurants and cafés, public spaces and playgrounds. Prohibitions include, but are not limited to, the following: insults to the Prophet, criticism of Muslim rites or ulama, the practice of witchcraft, the practice of trade during Friday prayers, the prohibition of gender-confusing clothing, the prohibition of tattoos, homosexuality, prostitution, adultery, the consumption of alcohol and drugs, gambling and betting, insults, violence against animals, gender mixing in working spaces, smoking on public transport and in hospitals, mockery of the elderly or disabled. This inventory of prohibitions should be enforced by a morality police directly under the authority of the High Council of the Judiciary. There are no penalties associated with the various offences mentioned in the law, which only specifies disciplinary measures of up to 48 hours. It also calls for treatment that preserves the dignity of individuals during their deprivation of liberty.

Shortly after its ratification by the *Shura* Council on December 24, 2023, a draft of the law leaked out and immediately caused a buzz. Already wary of a zone described as “toxic”, states committed to humanitarian aid were up in arms, thinking of condemning it publicly, and consulting the UN bodies in charge of Syria on the best course of action. Some were pushing for disinvestment in Idlib, to concentrate on less ideologically problematic areas such as regime zones of influence or the PYD-controlled northeast of Syria². As for the diplomats in charge of Syria, they immediately saw this as a “radical setback” and raise the specter of “Talibanization”³, pointing out - and rightly so - that this law effectively contradicts the mainstreaming of the movement and, far from reproducing them, hardens the codes of conservative social morality now dominating Idlib⁴.

The law also provoked anger in Syrian opposition circles who saw it as a sign of regression and proof of the dominance of the hardliners within the movement. The Iranian and Saudi experiences are put forward as repulsive examples⁵. Even this Islamist academic from Damascus, who takes a favorable view of the movement's evolution and is currently based in the ultra-conservative town of Al-Bab, under the control of FSA factions, is taken aback: “*Here in Al-Bab, the full veil, the niqab, is worn by all women, and ultra-rigorism is the order of the day. By contrast, the atmosphere in Idlib has always been more open, even with HTS. Then this law takes us by surprise and reminds us of Saudi Arabia and its Agency for the Promotion of Virtue and the Pursuit of Vice*”⁶.

Why, then, at the very moment when it is seeking to open up to society and, beyond that, to the international community, does HTS decide to bring out an old prescriptive apparatus that it had itself, on several occasions, put on the back burner? The answer unfolds over 7 issues, which we will treat as so many sections in this report. First of all, this law was not initiated by HTS, and is being implemented through a bottom up dynamic rather than a top-down process. Secondly, it is the direct consequence of a dynamic of moral and economic openness asserting itself in the context of the constitution of a new public space authorized by the March 4, 2020 truce and supported by HTS' leadership. Thirdly, it testifies to the existence of a cultural war between antinomic trends within the current social fabric in Idlib today. Fourthly, HTS's management of the law is a balancing

1 For a good summary, see: <https://english.enabbaladi.net/archives/2024/01/enab-baladi-publishes-details-from-idlibs-public-morality-draft-law>.

2 Interviews with European diplomats, Paris, Berlin, February 2024.

3 Whatsapp interviews and discussions, Paris, Geneva, Berlin, February 2024.

4 If the movement sees this law as the legal translation of cultural norms stemming from social conservatism, it is significantly hardening these codes. While the imposition of the hijab, for example, is a matter of consensus, the ban on music or gender mixing in the workplace are socially contested values and cannot be considered a matter of consensus within society. HTS, like most Islamist movements, (deliberately) confuses Islamic norms (as they define them) with social conservatism. For more details on this last point, see: Jean-Noël Ferrié, *Le régime de la civilité en Égypte. Public et réislamisation*, Paris, Presses du CNRS, 2004.

5 Whatsapp interviews with activists, lawyers, journalists and local notabilities, January-February 2024.

6 Whatsapp interview, February 2024.

act in this *kulturkampf* working at the very heart of society. Fifthly, this balancing act shows how HTS' leadership behaves in a profoundly transactional, i.e. political and not doctrinal, manner while dealing with a demand for Islamic norms expressed by conservative segments of society. Sixthly, this law highlights the difficulties of political Islam in managing a rebranded radicalism, having left its original jihadist Salafist matrix to reformulate itself in conservative populist terms. Finally, an account of these difficulties provides a clearer picture of the limits of revolution of the ideological realignment initiated by the Islamic movement a few years ago.

The quest of religious norms: a bottom-up process relying on a loose moral coalition

Firstly, it is seen by those defending it as responding to a vacuum. Indeed, with the establishment of the SSG in 2017, the movement gave up direct management of religious affairs. In particular, it abolished the former Preaching Bureaus (*makatib daawiyya*) in 2017 and delegated the *Hisba* to the SSG. *Hisba* then became dependent on the decisions of a conservative SSG, which the HTS leadership would have to systematically call to order and temper⁷. Thus, the *Jihaz al-Hisba* was abolished in 2017, only to be immediately replaced by the *Sawaid al-Kheir*, an institution strongly criticized for its repressive nature, and abolished for the same reason slightly after its establishment. It was then succeeded by the *Markaz al-Falah*⁸, founded by the Preaching Section of the Ministry of Affairs. The *Markaz al-Falah* lasted a couple of years and was finally dissolved at the end of 2021 by Abu Mohamed al-Jolani himself, both because of the abuses committed by members of this institution and in anticipation of international criticism that risked blocking the adjustment of perceptions towards his movement at a time when the delisting of HTS was a priority objective for the movement's leadership⁹.

While one part of society was keen to take advantage of the social breathing space provided by the - quite relative - relaxation of the old moral pressure authorized by the combined effect of the end of the war and the respite afforded by the abolition of the morality police in 2021, another, more mobilized part, gritted its teeth and wanted to regulate. Since 2023, the city's conservative circles led by certain notabilities of the old urban families, especially those whose daughters were the victims of harassment¹⁰, have begun to indulge in the conviction that HTS's abolition of the *hisba*, the former Islamic morality police, opened up a vacuum that needed to be filled¹¹. "*The city's old urban families have considered for some time that the openness of recent years has been excessive and needed to be regulated,*" testifies a conservative notable from the city¹². Although at the other end of the local ideological spectrum, this feminist activist makes a similar assessment: "*With the end of the war, society is revitalized, and a certain relaxation of moral pressure is taking place. Idlib's corniche has become a place of gender mixing. The number of women drivers has multiplied since the authorization of driving lessons for women, make-up at Idlib University is becoming more widespread, and women's clothing is increasingly colorful. Society was really changing. Mixed couples in cars were legion, and men at checkpoints were instructed not to check the nature of their relationship. The boom in malls over the past two years has amplified this openness, which, for notable segments of the population, is seen as uncontrolled*"¹³. In the summer of 2023, the Idlib Family Council (*majlis awá'il Idlib*) took the initiative: "*It was summer. It was shopping event season, the situation had become messy, gender mixing was spreading. And the female students were also*

7 For an overview of the various experiments in the morality police: <https://www.syria.tv/سوتوحيلدا-ي-ف-حالفل-ازاه-چ-لم-ع-ي-هن-تم-اشرا-ل-ار-ي-رح-ت>
تة-قوالخ-قطر-ش-بش-د-ج-ت

8 <https://www.alaraby.co.uk/society/%22%D9%85%D8%B1%D9%83%D8%B2-%D8%A7%D9%84%D9%81%D9%84%D8%A7%D8%AD%22-%D9%8A%D8%BA%D9%84%D9%82-%D9%85%D8%AD%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D9%87%D8%AF%D8%A7%D9%8A%D8%A7-%D9%81%D9%8A-%D8%A5%D8%AF%D9%84%D8%A8-%D8%AA%D8%B2%D8%A7%D9%85%D9%86%D8%A7%D9%8B-%D9%85%D8%B9-%22%D8%B9%D9%8A%D8%AF-%D8%A7%D9%84%D8%AD%D8%A8%22>

9 Interview with a movement executive, Istanbul, February 2024.

10 Testimony of the sister of a woman victim of harassment. Whatsapp interview, February 2024.

11 Whatsapp interviews with feminist activists, shopkeepers, Idlib urban notabilities, revolutionary activists, February 2024.

12 Whatsapp interview with a doctor in Idlib, February 2024.

13 WhatsApp interview with a female activist, Idlib, February 2024.

walking around freely. It was a big deal. So, as the Idlib Family Council, we decided to take the issue to the Shura Council to ask them to introduce a public morality law"¹⁴.

A moral coalition was formed. First and foremost, it was made up of representatives of Idlib's old families. They rationalize into a political demand addressed to the local authorities a diffuse feeling existing in certain components of society that since 2020, Idlib has been faced with an "excessive openness that has opened the door to too many abuses"¹⁵. This sentiment is one opinion among many, and is not hegemonic. But it is quickly relayed publicly by certain relatively influential clerics, most of them unaffiliated with HTS. Among them, Ibrahim Shesho, the former Minister of Justice, an old HTS supporter who lost his sight in 2021 in an Islamic State attack on his person; Abderazzaq al-Mahdi, a cleric who spent a short time in the ranks of HTS before leaving the organization due to his disavowal of the policy of confrontation against other factions; Melhem Khawâm, better known as Abou al-Waqid al-Shâmî, a shaykh from the city of Hama known for his Salafist leanings, registered as a mosque imam with the Ministry of Religious Affairs but not affiliated to HTS, or Abou al-Fath al-Farghali, the impetuous Egyptian cleric dismissed by HTS as part of an amicable divorce due to his difficulty in adjusting to the movement's new political line¹⁶. According to this activist and early revolutionary, "we are in a reactionary movement. The excessive openness of society, the gender mixing on the Corniche and in the malls, after the truce are seen by large sections of society as a problem. After HTS banned hisba in 2018, a sense is developing that it needs to be regulated. And while many people criticize the law, there is a consensus on the need for regulation"¹⁷.

This moral coalition, a blend of Facebook activism, pious urban bourgeoisie bitterness, local and foreign clerics critics, without necessarily being in the majority, succeeded in creating momentum: a trilateral committee made up of members of the Ministry of the Interior, clerics from the *Ifta* council and members of the Office of Legal Affairs met and worked on the law. After three long sessions, the last of which lasted over three hours, the *Shura* Council finally ratified the law on December 24, 2023.

The political leadership of the movement, i.e. Abu Mohamed al-Jolani and his inner circle, is clearly not the driving force behind the law. At first, Abou Mohamed al-Jolani followed the law's development very little, and then, when he became aware of it, he was rather reticent. But he was also reluctant to invest political capital to a sensitive issue that is supported by influential sections of society¹⁸. It was thus the staff of the clerical institutions of the SSG, and not the leadership of HTS, who relayed the moral coalition's demands for regulation in channeled it within the existing governance institutions in Idlib. Thus, according to a person close to Jolani, "after Jolani's cancellation of the hisba, the Sawaid al-Kheir, then the Markaz al Falah, and faced with the increase in cases of tabaruj (unappropriated individual behaviors according to Muslim conservative standards ntd.), pressure from conservative circles (al-multazimeen) became more insistent. HTS, having delegated the management of the daawa field to the SSG, did not intervene. The SSG, on the other hand, is well aware of the void and has been thinking about a new hisba model for just over a year. It considers that the best response is a form of morality police, which needed a law to function. The law was mainly a local initiative of the SSG and the shaykhs. The process took place below the radar of HTS's political leadership. Abu Mohamed al-Jolani knew about it, of course, but he didn't take much interest in it. Then it happened very quickly and we were taken by surprise: the Ministry of Religious Affairs formalizes a draft law in cooperation with the Ministry of the Interior, the *Ifta* Council approved it and the Shoura Council ratified it"¹⁹

14 WhatsApp interview with one of Idlib's family council members, February 2024.

15 Interviews with urban notables and a former police officers, February 2024.

16 <https://www.al-monitor.com/originals/2022/08/syrian-jihadist-group-idlib-purges-hard-liners>.

17 Whatsapp interview with a female activist, February 2024.

18 Interview with an HTS leader, Idlib, February 2024.

19 Interview with an HTS leader, Idlib, February 2024.

The law is thus the product of the activism of a moral coalition that was formed on an ad hoc basis in response to the openness enabled by the truce. It is largely external to HTS, even if it has easily found relays to express its demands within the institutional governance order established by the movement. Its political leadership, while rather reticent, allows it to happen. It was initially reluctant to engage political capital to an ideologically legitimate issue - the centrality of the Islamic norm in the public arena - and supported by influential segments of society. It was therefore through a bottom-up trajectory, stemming up from the society, that the bill was set up. It was partly achieved against the movement's leadership and definitely not through a top-down autocratic-radical decision-making process.

The birth of a Consumption-Based Public Sphere

From this point of view, the law of public morality is not just a tactical move aimed at pledging Islam to the hardliners within the movement. In a more structural manner, it also represents an effort to regulate the emerging consumerist and hedonistic public sphere in a society divided over it, and to prevent it from becoming a breeding ground for discord. We need therefore to connect the morality bill with the genesis of a consumerist public space²⁰.

During the conflict, the precarious security situation²¹ locked society into a constrained inward-facing circle, with only the strict minimum of outings from home: work, education for children where possible, armed action that often involved families (for logistics and care, in particular²²), and charitable and humanitarian activism. There was no room for leisure activities during these dark years.

The situation changed with the announcement of the truce ratified by the Russian-Turkish agreement of March 4, 2020. With the war and the COVID's relative confinement finally over, a public space was gradually established in stages, allowing a timid leisure culture to be reborn for those who still had some means. First came the restaurants, then the cafés in 2023, almost systematically equipped with plasma screens enabling the public to tune in to the European soccer championships, and finally the zoological gardens coupled with mini amusement parks, not forgetting the Idlib stadium, reopened to competition as part of a cup that is now inevitably local, but followed with passion by a public of passionate *aficionados* in a stadium crush rather distant from the ethic of order and discipline defended by political Islam²³.

The final stage in the formation of this public space: the quite stunning rise of commercial malls. More risky and costly investments, malls began to appear in 2021, mainly in border towns spared from the regime's bombardments, mainly between the two towns of Dana and Sarmada, and to a lesser extent in the city of Idlib itself. Most of these establishments are built by small groups of investors, relying most of the time on local capital from large families such as the Badawi or al-Shaykh families in Sarmada, or the al-Qash (who are the main shareholders in the al-Hamra mall) and al-Hajj Hamidi families in Dana, often backed up by businessmen from Aleppo who, having settled into a temporary situation that lasts, start to reinvest locally. A place of consumption for what remains of the local elite, i.e. the families of local traders and employees of NGOs, for others they are a time for leisure. People go there to have a coffee and socialize. For the most disadvantaged, it's also a place to discover the most basic forms of the consumerist dream: elevators, escalators, all set with a festive, musical atmosphere²⁴.

20 We define public space here as a space that is not governed by family or peer group norms and control. It is a space of geographical and sometimes gendered diversity, and of social interaction potentially not governed by the inter-knowledge of the village or neighborhood. Thirdly, it's a space for leisure.

21 Repression in 2011, confrontation between the regime and opposition factions between 2012 and 2014, between the latter and the Islamic State in 2015, renewed confrontation with the regime in 2016, inter-factional rivalries and armed crime until 2019, 10 months of confrontation between the opposition and the regime during the same year and, finally, the COVID.

22 Observations from the author during the battle of Wadi Deif, Idlib province. 2012-2013.

23 For example: <https://x.com/khaleedalkhteb/status/1593832547275898881?s=48&t=bAlimr5HX1D9yp96T8WxpA>.

24 Whatsapp interviews with users of these malls, February 2024.

Four points are worth noting about the development of this public leisure space. First, it is an important and rapidly expanding sector. In less than two years, nearly 29 malls have been opened along the border strip, as well as deeper into the territory, in Idlib, Salqin and Binish; there are many more restaurants, more spread over the territory as they are less exposed, and an even greater number of cafeterias, with or without hookahs, not to mention 4 zoos coupled with children's recreational playgrounds. Given its current size, this public space is also eminently lucrative.

Second, while this public space is ideologically diverse, it is more reliant on global references and pop culture than on the play of a 'Muslim' identity card. While there are some explicit references to local culture ("Beit al Karam", for example, or the "Rawaq" restaurant in Dana), names with Western references are the dominant norm, far removed from the posture of Islamist identity. In fact, there are countless names inspired by global pop culture, such as the giant "Charisma" café, the "Grand Arizona" in Sarmada, the "North cafe" with its two branches in Dana and Hazano, "Wings", "Mister Black", "City Rose", "KFC" and "Green Parc".

Third, this public leisure space is very often the result of consortiums set up in partnership with traders close to the holding forces, and is therefore not built against the wishes of HTS, which undoubtedly extracts part of the profits²⁵. The Disneyland restaurant is iconic in this respect: adjacent to the new Idlib zoo, where, between gazelles and parrots, we find a small family of lions freshly acquired from the Baghdad Zoo, the Disneyland is owned by HTS related traders, it is a restaurant that tolerates mixed families but not gender mixing outside families, and hookahs are available in the garden²⁶.

Consequently, and fourth, there is no correlation between, on the one hand, the degree of Islamic compliance (defined by the proscription of three practices: gender mixing, water pipes and music) and, on the other hand, the presence of investors linked to the movement. For example, hookahs are available at Disneyland, which allows gender mixing in a conservative fashion (mixed families and mixed sexes for women with a *mahram*), while HTS is the main investor. The Rawaq restaurant, on the other hand, is not open to gender mixing but has no capital tied to HTS. Café Charisma, a two-storage hookah café, set up with HTS capital is not prohibiting gender mixing. The al-Hamra mall relies partly on HTS related trader and is, yet, mixed with music on every floor. This decorrelation between Islamic norms and Islamist investment (by HTS or its henchmen) explains why some of the conservative criticism of the mall's celebrations on social networks is aimed at the moral laxity authorized by the Islamist organization, denouncing HTS as participating to the establishment of this hedonistic sphere in a public space otherwise imbued with revolutionary and/or Islamist austerity²⁷. According to one of the mall's regulars, "*people know that most of the investors are close to HTS, and they often point out the duplicity of HTS, which, on the one hand, calls for 'iltizam', strict adherence to Muslim morality, and, on the other, opens the doors to corruption*"²⁸.

25 Whatsapp interviews with local activists and businessmen, February 2024.

26 Personal observations, Idlib, June 2023.

27 For example, this lawyer, who is opposed to HTS (he spent some time in prison for belonging to Hizb al-Tahrir) but steeped in "wartime conservatism", inveighs against HTS for not coming to the aid of the commando who left 5 martyrs a few hours earlier and who celebrated the inauguration of the mall: https://x.com/ibrahem_maaz/status/1733543174172197145?s=46&t=bAlimr5HX1D9yp96T8WX-pA.

28 Whatsapp interview, February 2024.

The Kulturkampf between Market Hedonism and War Conservatism

While the quest for regulation began with polemics over the growing number of cases of *tabaruj* and the generation of gender mixing, notably around the Idlib Corniche, a sort of ring road encircling the city and serving as a recreational area for its inhabitants, and at the University of Idlib, more mixed than ever (women are now the majority among the 25,000 students at Idlib University²⁹), the exponential boom in malls will nevertheless serve to reveal all the positions and trends already expressed in the past, both those welcoming the current opening-up and those condemning it.

The celebration of the first two years of the opening of the al-Hamra mall on 8.12.2023 in the small border town of Dana will project controversy into the media space. 9 days of celebrations and sales, massive crowds of people, gender mixing and music set the standards on this day. It's not the first time this kind of event has taken place. But the co-occurrence of the celebrations in the mall on one side and, on the other side, the loss of martyrs in a failed infiltration operation on Aleppo's western front, 11 kilometers away, a few hours before the opening of the ceremonies³⁰, amplified the criticism and highlighted the polarization of society.

First of all, there's the generalization of a hedonistic spirit, unknown for almost a decade. This hedonism is defined by practice with no real specific narrative to justify it. It was evident in the atmosphere at the celebration of the mall's inauguration on December 8, 2023³¹. One of Idlib's media activists, Khaled al-Khatib, sarcastically notes the SSG's attempts to "follow the trend" (in English in the Arabic text), and can only offer these few preachers from the Ministry of Religious Affairs the solitude of a proselytizer in this consumerist desert, struggling to find an audience and attentive ears... but in Idlib, as elsewhere in the world, people don't come to a mall to be preached at³², and the Ministry of Religious Affairs' initiative was not repeated³³. Some revolutionary activists, such as Mohand Najjar of Maarat Nooman, also justified the hedonism present in the mall as an expression of the very gains that the revolution had succeeded in preserving and developing. Mohand Najjar challenges the definition of conservative public modesty put forward by Islamist moral entrepreneurs, and reminds us that this mall is de facto a market, an institution which in the time of early Islam was always a space for gender mixing³⁴.

But this hedonistic spirit and the unprecedented boom of a public space based on leisure in a territory previously normalized by the closed-door nature of war and revolution, and consolidated by the Islamist narrative, had every chance of provoking hostile reactions. And these were not long in coming. The first salvo of criticism was more properly religious, coming from certain Friday preachers and former Islamic scholars of HTS, notably Abderazzaq al-Mahdi and the impetuous Egyptian scholar Abu al-Fath al-Farghali, who considered such ceremonies to be "collaboration with the enemy" (*al-amâla*)³⁵. Ibrahim Shesho, the former Minister of Justice, who is now blind following an attack on his person by the Islamic State in 2021, took offence, from the top of his *minbar*, at the fact that "*the death of thousands of people in Gaza and those a few kilometers away do not count for these blood merchants*³⁶ who, despite this, provoke people with music and inappropriate scenes in order to facilitate the marketing of their goods"³⁷.

29 Interview with the university dean, February 2023.

30 https://syria.news/c96937a9-08122312_m.html.

31 This can be seen in these videos of commercial jubilation: https://x.com/khaleedalkhteb/status/173304670077893856?s=46&t=bA_limr_5HX1D9yp96T8WXpA; https://youtube.com/shorts/CFO-znVnsvo?si=Ubp9_HN8Z9cRLDGX

32 <https://x.com/khaleedalkhteb/status/1734583267641237695?t=7cKp7Uy0MEpQvjBn8ohRog&s=08>.

33 Interview with an HTS executive, Istanbul, February 2024.

34 <https://x.com/md2020k/status/1733635089282547971?t=jZjLwCLM1p6psGGecROUKw&s=08>.

35 <https://www.syria.tv/ويديف-اقىيسومل-او-حطالت-خال-الامعز-ب-حل-س-موج-هسيل-دا-ي-فسم-اعل-اي-ار-ل-ال-غش-ي-ي-را-جت-ل-وم>.

36 The expression "merchants of blood", *tujjar al-damm*, is poorly chosen here by the blind preacher. It conjures up the idea of war profiteers enriching themselves through war. With the al-Hamra mall, however, exactly the opposite is true: local merchants who position themselves outside the space of war and the moral order that the conservatism of war seeks to associate with it.

37 <https://www.syria.tv/ويديف-اقىيسومل-او-حطالت-خال-الامعز-ب-حل-س-موج-هسيل-دا-ي-فسم-اعل-اي-ار-ل-ال-غش-ي-ي-را-جت-ل-وم>.

The second salvo of criticism is the product of a “war conservatism”³⁸ which condemns all hedonism in the name of an ascetic ethic related to the context of the war, the misery in the camps and a revolution that is now losing steam. It calls for social life to be brought into line with the armed action that is still underway, sometimes via mosques, occasionally conveyed by Salafist shaykhs³⁹ but also often by ordinary militants. Local journalist and youtuber Mohand al-Masri, who is close to HTS, is exasperated by the fact that the celebration may have taken place at the very moment when the martyrs of the commando operation were killed: *“We see celebration and mixing, as if the question (of the martyrs, editor’s note) didn’t concern them, as if they were in another world. These people are sacrificing themselves for our area so that we can live here in peace (...). We’re not against celebrations, but they have to be done within the framework of traditions and customs”*⁴⁰.

The conservative backlash finally culminated in a group of masked men shooting at the mall.

After the attack on the mall and the wave of criticism that followed, the SSG reacted by convening a meeting between the mall’s management teams and local *Idarat al-Manatiq* officials, and the decision was taken to continue the ceremonies, but in a tightened manner: only families are allowed to enter the mall, which is now forbidden to unaccompanied young men ; gender mixing is forbidden, but only in the workplace; and stores are asked to reduce the volume of music and limit themselves to songs that are not contrary to Islamic norms. The Ministry of the Interior decided to deploy patrols to protect the mall. Although the celebrations went ahead in spite of intense pressures, other malls, such as the Royal Mall, which were planning similar ceremonies, decided to postpone them.

In fact, what we have - and this is structural - is the problematic coexistence of two public spaces. One, more political, defined by wartime conservatism, structures prescriptive positions in the religious and media fields. The other, sociological, is an apolitical public space defined by consumption, leisure and a minimum of hedonism. It is both necessary as a decompression valve for society and a place of accumulation for HTS. It is, in a way, the inverted symmetrical of the former in terms of moral cursor, but unlike the former, it has no real legitimizing discourse. Logically, the two don’t mix well, forcing HTS into a difficult balancing act, seeking to regulate without prohibiting, because this public space is socially necessary and financially profitable.

38 In a minor way, and justified by the moral order advocated by the PKK, this “war conservatism” can also be found among the Kurds in the NES where, in 2018, an attempt to set up a miss contest aroused the ire of part of the movement’s leadership, invoking respect for the memory of the martyrs to stop the ceremony (interviews, Qamichli, November 2021). It was this same wartime conservatism that structured the polarization, during the 14-18 war, between soldiers at the front and those in the rear, with the former accusing the latter of cheating on them with their wives while alcohol flowed freely.

39 The preaching of shaykh Melhem Khawâm, registered as a mosque imam with the Ministry of Religious Affairs but not affiliated to HTS, aptly reflects this wartime conservatism in its Salafist version: <https://x.com/D1MHMOF4KPr53P9/status/1733427005780115765?t=Pi-7whoyOWYkrbvxA9KTzKQ&s=08>.

40 https://youtu.be/D15nKlyenCs?si=tW1w_FX8B0h-ACK1.

Managing a Polarized Public Space: HTS's Balancing Act

The management of the public morality bill in such a polarized context shows that this bill is not the product of hardliners, i.e. HTS or a faction within the movement, to impose a radicalized version of Islamic norms on a society (implicitly perceived as moderate), but a balancing act played out by the leadership of the movement on two levels: first, between two antinomic public spaces, both of which are unquestionably local. Second, between local dynamics and the constraints linked to Idlib's international insertion (anticipating the reactions of donor countries in terms of humanitarian aid).

We have seen that HTS has contributed to the creation of a public space structured around leisure and a light hedonism (joy expressed in public, mixing, hookahs, Western symbolism and Arab pop culture) seeking a fusion between conformity to the Islamic norm and alignment with the great trends of globalization and consumerism⁴¹. But, on the other hand, HTS is accountable to a political public space overdetermined by wartime conservatism that is both Islamic, sometimes Salafist (by ideology), and anti-hedonist (by revolutionary austerity invoking respect for martyrs).

As a result, the bill comes into play to regulate a nascent public space, not only to repress it, but also to protect a sector of HTS investment. The law becomes a balancing act between, on the one hand, the need to respond to conservative circles with a "regulatory" act (hence the desire to legislate) and, on the other hand, the need to secure this investment sector without depriving it of its added value for customers, i.e. its "publicity", hence this weird final product of a law enacted without an accompanying penalty regime that would repel customers.

Another balancing act follows this first internal one. It is linked to the management of external pressures. Diplomats and donor states involved in Idlib see this law through the prism of Talibanization, consult each other, and hesitate to condemn; *"over time, we began to see the authorities in the North-West behaving better than those on the regime side. But this law is likely to be a major game-changer in our investment debate. Indeed, we have divergent voices, with some pushing for a focus on government-controlled areas, while left-wing parties tend to favor aid investments in Kurdish-controlled areas instead"*⁴². Faced with the very real specter of already shrinking humanitarian aid budgets being redirected, HTS' leadership then decided to discreetly freeze the implementation of the law, to give itself time to gather criticism and comments on the law from both inside and outside Idlib, and then, possibly, return to the text of the law and adjust it on this basis.

HTS practices a complex transactional dynamic, both in the face of the very real reactions of local society and in the face of the anticipated reactions of the international community. Faced with the social demand for moral regulation and the risks inherent in a legal response to this demand, HTS doesn't preach, it plays politics.

41 On the balancing act this posture seeks, see Patrick Haenni, *L'islam de marché. L'autre révolution conservatrice*, Paris, Le Seuil, 2005.

42 Interviews with European diplomats and UN officials, Geneva, Paris, Berlin, February 2024.

The Dubious Talibanization of Idlib: HTS and its transactional morality management

To better understand the specific nature of the current dynamic, a comparison with the Taliban, regularly invoked by HTS's critics, is useful. In the days of the Islamic republic established in the aftermath of the US intervention against the Taliban, as early as 2007, malls appeared in Kabul. Lifestyles were conservative, but gender mixing and music were tolerated, at least in the capital. Then, after 2021, this public space for leisure and consumption was subjected to the Taliban's repressive policy: a ban on all music and mixing, even between married couples, in all public spaces, from zoos to public gardens and malls. Under the triple fire of the public moralization undertaken by the Taliban, which was able to impose its new moral order without any resistance, American sanctions and the widespread impoverishment of the middle classes, the malls gradually either closed down or were re-traditionalized, like the Gulbahar mall, which had been converted into a jewellers' market. In a very short space of time, this public space, governed by consumerism and leisure, collapsed⁴³.

In Idlib, the scenario is fundamentally different: unlike the Taliban, who imposed a rural moral order on an urban society in Kabul, HTS is not outlandish to the society it controls, neither in sociological terms (there is no village-country divide in Idlib, and HTS recruits from everywhere) nor in ideological terms (unlike the PYD in the Arab zones of eastern Syria, HTS draws on socially recognized political and religious repertoires). Nor is HTS external to this nascent public space, which it partly finances.

The malls could not survive in the post-US Afghanistan's order because the Taliban were economically, morally and socially outside this sphere, and because the Taliban, like the Islamic State Organization in Syria and Iraq in 2014-2016, had the upper hand in a balance of power with the society at large that enabled them to crush it without compromise. HTS, on the other hand, has always dealt transactionally with society in Idlib, in a context of war where social peace is a strategic imperative and, by extension, repression a potentially costly option⁴⁴. But above all, faced with a society divided between two public spaces, one governed by an ethic of wartime austerity and the other by a practice of consumerism and leisure, HTS has never taken side, investing in (and practicing on the margins⁴⁵) the latter, while having the majority of its members identify with the former's set of values.

And where the Taliban prohibit by imposing their vision of the Islamic norm, HTS regulates transactionally, seeking to accommodate the coexistence of these two public spaces with their antinomic normative regimes, as well as the reactions of the international community: it hardly imposes, and when it does legislate, it does so reactively and belatedly, in response to a triggering event. It doesn't totally ban gender mixing, but limits it (it accepts mixed families, it forbids it at work but not in the public space), it doesn't totally prohibit music but imposes conformity with Islam and customs. It does not enforce the systematic closing of stores during prayer, but only during Friday preaching. It inflicts a robust list of prohibitions, but does not propose a system of penalties linked to them, and avoids *hudûd* by limiting sanctions to disciplinary measures not exceeding 48 hours. The law does impose the *hijab* (on which there is social consensus), but not the *niqab* (around which there is debate⁴⁶). And when the movement's leadership realized the possible international costs (redirecting aid budgets and hardening perceptions of the situation in Idlib), it froze the law and relaunched a new round of consultation with a view to amending it.

⁴³ Whatsapp interviews with researchers and former mall users in Kabul, February 2024.

⁴⁴ The way in which Abu Mohamed al-Jolani backtracked in February 2024, apologizing for a wave of purges that was too massive in his eyes, is just one of many examples, such as the cancellation of the 2020 olive oil production tax. The reluctance to repress protest demonstrations in no way prevents human rights abuses in prisons, as the latest purges have also clearly shown.

⁴⁵ The Disneyland restaurant and hookah park is regularly visited by some of the movement's executives (authors' observations, 2020-2024).

⁴⁶ This is in contrast to other regions in Syria, such as al-Bâb mentioned at the start of this chapter, where the *niqab*, influenced by Salafism, defines the social norm of female modesty in purely religious and rigorist terms.

If we were to compare with regional standards, we're probably less in a Taliban-style scenario (hedonism is morally repressed and consumerism is economically impossible, while the application of the *hudûd* poses no problem for them) or a Saudi-style scenario (codification has not been an objective until very recently). Instead, we're dealing with a very classical dilemma facing in various ways Sunni Arab conservative States. If Jolani's public moralities management justifies a comparison, it is definitely with the late Egyptian president Anwar al-Sadat move facing several requests to endorse an Islamic criminal law in the late seventies. In front of a left-wing or nationalist opposition, Sadat played the Islamic card, rehabilitating the Muslim Brotherhood and posing as a "believing president". Yet when, between 1978 and 1982, several "codification of Islamic sharia" drafts were drawn up by an ad hoc commission of the People's Assembly and debated in plenary session, the president was embarrassed. On the one hand, he positioned himself in a register of identity based on Islam, but on the other, he was aiming for strategic alignment with the West. As a result, he doesn't reject the draft penal code, but makes sure that it gets lost in the drawers of the People's Assembly. The draft was never discussed again, and was consigned to the dustbin of history⁴⁷. Thus, faced with an active minority demanding the implementation of an Islamic precept, and because they position themselves as protectors of the religious reference, neither Sadat nor Jolani can publicly oppose it.

But there is a cost calculation then that pushes HTS to regulate without proposing a retributions regime, then to freeze the application of the law, because it wants the sharia – it is about identity politics – but without the *hudûd* – that is, somehow, even for Islamists, embarrassing ... By freezing the law, HTS is adopting a stance quite similar to that endorsed by the Swiss Muslim thinker Tariq Ramadan, albeit in a very public mode for the latter, when, in 2005, he launched a "moratorium on corporal punishment, stoning and the death penalty in the Muslim world"⁴⁸. HTS is part of a dynamic of openness, but wants to regulate it, and is seeking to recast the management of religious norms within a modern state framework. According to a person close to Jolani, "*this law is a civil development of the hisba concept, whose application passes through a civil government and is withdrawn from the religious authorities. It is in line with the Syrian law derived from the 1951 constitution, which also provides for a morality police force*"⁴⁹.

In the end, far from reproducing the Taliban model, Iranian clerical power or Saudi Wahabism, HTS management of the request to codify public moralities within the framework of a faith-based bill of law is just following the most classical patterns that Conservative Arab State leaders have adopted in the past when they were confronted to populist religious demands. In clear, what is new in Idlib with this law is not HTS' policy. But for a movement like HTS, which has barely overcome the old Salafi jihadist radicalism, the rise of this populist current will pose new challenges.

47 For more details on this episode, see Bernard Botiveau's excellent analysis: « Islamiser le droit? L'exemple égyptien », *Monde Arabe*, 1989/4 (no 126), pp.12-13.

48 <https://tariqramadan.com/appel-international-a-un-moratoire-sur-les-chatiments-corporels-la-lapidation-et-la-peine-de-mort-dans-le-monde-musulman/>.

49 Interview, Istanbul, February 2024.

Post-salafi radicalism: the rise of populism and HTS' political rational

The emerging consumerist and hedonist culture thus triggered a reaction expressed in this demand for regulation of the public space, to which the HTS leadership has few answers and faces an ideological as well as a political dilemma. The conservative families of Idlib then became the vehicle of a concern for order expressed in moral terms, articulated on a religious position, and succeeded in formulating a political demand that could count on the support of clerics both inside and outside HTS.

Following on from the Salafist-jihadist question, another type of radicalism is now taking shape and posing a problem for HTS. Unlike the former shape taken by radicalism, this problem is more political than security-related: the moral relaxation authorized by the truce - and which HTS has either supported or managed in a laissez-faire fashion - is generating a conservative surge, or rather a dynamic of explicitization (using the categories of positive law) of a social conservatism that dispensed with laws and rules because it was previously lived as a "cultural evidence"⁵⁰.

Although it does nothing more than calling for more Islamic norms in the public sphere - something that HTS can only support in principle - this conservative surge nevertheless puts the movement's leadership in an uncomfortable position, for several reasons: first, it forces it to take a stand on an issue that it considers resolutely secondary (hence its lack of interest in the law during its early drafting phase). Second, it forces him to take a stand on an issue that divides society, forcing the movement to take side. Third, it puts him at odds on the international stage and thwarts his ambitions for normalization with the West. This discomfort on the part of HTS's leadership is instructive in several respects, both in terms of the transformation of radicalism and the way it is managed by HTS's leadership.

First, it clearly shows the difference between, on the one hand, the clerics inside (and outside) the movement and, on the other, the movement's leadership. This logic of internal differentiation between a clerical current motivated by religious considerations and a leadership basing its decisions on primarily political considerations is a classic feature of political Islam⁵¹. In Idlib, it is subjectively experienced as such by the movement's leadership, which sees this clerical current as external to itself: *"we are faced with a broader reality, a populist trend - tawajuh shaabawi - based on a clerical current - tayyar al-mashiyakhi - which is deeply rooted in society and in the mosques. And this current is now largely exterior to HTS. Inside the movement's structures, things are under control. But most of the Friday preachers are not members of the movement. And we have a real problem with this current. Recently, Abu Mohamed al-Jolani met with several hundred of these shaykhs and he was shocked by the lack of political awareness, of what was possible to do or not to do at the moment. During this meeting, one of them asked Abu Mohamed al-Jolani to give them 200 missiles to liberate Damascus, another urged him to crush the Sufi current!"*⁵².

Second, the question of radicalism is no longer framed in security terms - jihadist Salafism - but in "populist" terms⁵³. Populism can here be defined as the "publicization" of a revolutionary conservatism expressed in Islamic terms and linked with religious legal demands that often contradicts the movement's strategic choices, and is the result of a reaction to the dynamic of socio-economic openness that the movement's leadership itself supported. A researcher close to HTS' leadership considers that *"it is no longer HTS that constitutes the dynamo of Salafism in Idlib today. Religious exaggerations and inflationist rhetoric now come from outside the movement, for the simple reason that those without positions of responsibility can easily engage in verbal inflation, unlike those having*

50 Olivier Roy, *La Sainte Ignorance, le temps de la religion sans culture*, Paris, Points essai, 2012.

51 On this point, see Olivier Roy's classic *L'échec de l'islam politique* (Paris: Seuil, 1994). There are a few Sunni Islamist movements led by clerics, such as the Taliban, but they are the exception rather than the rule.

52 Interview with a movement leader, Idlib, February 2024.

53 The term is used by some of the movement's leaders to describe preachers and media operators prone to one-upmanship on issues of moral and religious conservatism. Interview with a group of the movement's religious leaders, Idlib, March 2021.

their hands in the fire"⁵⁴.

Third, this populist trend extends beyond the hardliners within the movement⁵⁵ and is now less the work of organized, radicalized groups or factions (which the term hardliners implicitly refers to). The organized or radicalized factions, as we have previously seen, are largely under control. HTS's conservative reaction is not part of a dynamic of factional rivalries within the movement. It is therefore not directly correlated with the internal rivalry between Jolani's inner circle and the networks of Abu Maria al-Qahtani and Abu Ahmad Zakour, which saturated the media at the very moment when the controversy surrounding the law was in full swing. The coincidence between the two events is fortuitous⁵⁶. Indeed, the factionalism that exists within the movement (attempts to overthrow the leadership team, major purges leading to more than 135 arrests of members and senior executives of the movement, prompting desertions and the flight of some to the FSA zones or even to the side of the regime⁵⁷), stems rather from a clique logic, potentially constituted on regional bases and is not organized around a fault line opposing pragmatists and hardliners. Abu Mohamed al-Jolani has worked tirelessly in recent years to reduce the influence of his radical wing. But the repression that followed the (visibly erroneous) conviction of the existence of an internal plot was led by the leader of the movement's security wing, Abu Ahmed Hudud, considered to belong to the hardliners in the movement, whereas some leaders involved in the internal coup such as Abu Maria al-Qahtani, are indeed critical of Jolani but outflanks him on the left.

Fourth, we can see that, faced with this populist tendency, HTS' leadership reacts according to a rationality that is far more political than religious. While critical of it, it seeks compromise, well aware that society itself is divided. And in its management of public morality bill, HTS combines a multiplicity of objectives within a single political-legal equation : respect for the social order, preservation of profits, containment of radicals, addressing the reality of an influential "moral coalition", the need to manage the coexistence of two public spaces antinomic in terms of values and aims both supported by HTS and, last but not least, the need to reduce the possible impact of the bill on the international scene (cut-rates in aid provision and negative impact on its long term objective to be delisted from the UN list of terrorist organizations).

Clearly, by imposing a religious norm but in a transactional and reactive manner, unlike the Taliban's puritanism, which was proactive and uncompromising, HTS is once again taking a tactical stance in the face of dynamics that it authorized without really controlling their effects. It does not impose itself from above, as the Taliban did, but manages a polarized society divided by the *kulturkampf* previously described, while factoring in the constraints of its quest for international normalization.

The shift from jihadist Salafist radicalism to populist social conservatism reveals therefore a twofold trivialization. First, radicalism itself moved mainstream. Radicalism is not exogenous, linked to the global jihad. It originates in society, is connected to the revolutionary moment and sometimes adopts the concepts of Salafism. In short, it becomes embedded in society. Mainstreaming in no way diminishes the radical nature of certain features of social conservatism. Indeed, the demand for criminal and religious regulation of the various behaviors listed in the law is radical in two ways. First, it is radical in the sense that it expresses a demand for the application of the religious norm without any sense of compromise. And secondly, unless it is tempered from above, as it proposes to do in cases such as adultery or homosexuality, which are severely punished, it can only lead to *hudûd*. Which even the highest levels of leadership are embarrassed by because of its drastic nature.

54 Interview, Istanbul, February 2024.

55 If by hardliners we mean the *sharaiyeen* of HTS, then we have to admit that, while they were ardent defenders, they were not the initiators of this law.

56 Contrary to the view of some researchers, such as this *Islamic scholar* in contact with the movement, who considers that the law on public morality reflects "the return to center stage of the movement's Islamist wing. At a time when Jolani's hold on his movement has been weakened by a wave of unprecedented purges, the movement's leader wants to reassure his religious wing, which sees the current unrest in the movement as an opportunity to reassert its presence and respond to the marginalization it has suffered in recent years" (interview, Istanbul, February 2024).

57 Interview with a well-informed Turkish researcher, Ankara, February 2024.

However, this would mean taking governance in Idlib away from a Sunni Muslim mainstream and falling back into a form of radicalism that the leadership wishes to avoid. This brings us to our second point: the trivialization of HTS's reaction. In the face of this populism, Jolani reacts indeed with a political rational like Sunni Arab conservative leaders did. Exactly like Anwar al-Sadat did it in the seventies, he accepted first the principle of the law, then tried to contain the effects (in freezing it), and makes cost/benefit calculations (the impact effects linked to possible reactions on the international scene).

A constraining “negative solidarity”: the identity trap and some weaknesses in the silent revolution

To conclude, the draft law on public morality and its management by HTS, far from exposing the fundamentally radical or Salafist nature of the political order in Idlib, confirms our hypotheses on the nature of the movement. It demonstrates, once again, the primacy of politics in the calculations of its leadership. This primacy is ambivalent though, as the political rational of the leadership is both an asset and a weakness. It is an asset because it has enabled HTS' leadership to become autonomous or to distinguish itself from the clerical trend within and outside of the movement. But, at the same time, this politico-centrism is also a weakness. Indeed, this predominance of a political rational over religious considerations pushes the movement's leadership on this “silent revolution” itinerary, which prevents it from developing an alternative doctrinal position to propose when a religious posture asserts itself and disturbs the interests of the movement. Its leadership, then, simply lacks the – conceptual – means to oppose it, and considers that the cost of opposition would be too high. Faced with a law that is profoundly problematic from his own point of view, Abu Mohamed al-Jolani can only propose a moratorium à la Tariq Ramadan, but without declaring it publicly, witness par excellence to the structural indecision of a transformation dynamic operating in a “silent revolution” regime.

Indeed, on the one hand, HTS' management of the public morality bill seeks to strike a balance between the need to deal with a populist trend that is still very much in the mainstream (European center-right parties are familiar with this dilemma) and the support for a normalization that pays off and meets a real social demand. From this point of view, to see in HTS's posture a radical orientation or to evoke the morbid specter of Talibanization is indeed misleading⁵⁸ since this balancing act, like any other, is above all political and, by definition, centrist.

On the other hand, the primacy of politics also makes it difficult to resist faith based conservative populist pressures from below. And this is indeed the fundamental problem of the “silent revolution”: without an elaborate narrative on their religious position, the movement doesn't really have a doctrinal corpus capable of countering a populist current positioning itself in this gray area, doing more than just codifying the ambient social conservatism but nevertheless falling below a ceiling of radicality (*ghulū*) that would have enabled the movement to sanction it on a security based rational.

Faced with the populist trend, the movement's leadership is embarrassed. On the one hand, it tends to be opposed to what this populism proposes. Indeed, the law on the morality police runs counter to the movement's policy of abolishing the *hisba* already three times since 2017, or stating publicly that the movement would not legally sanction a practice outside the general consensus. Despite the fact that, on few points, the law clearly falls outside the social consensus on what conservatism practically means (for example, the refusal of gender mixing in public or at the working place, or the ban on music, do not meet with consensual norms of social conservatism), the leadership is reluctant to oppose it. And this even though the law could have significant negative consequences: internal resistance, disinvestment from humanitarian aid donor states, loss of credibility of the movement's “nationalist” discourse, which aims to be a political offer for all, including minorities, as part of a hegemonic strategy through with a movement presenting himself as the embodiment of revolution

⁵⁸ Or expresses some class posturing, particularly among Damascene elites particularly vocal in opposition circles abroad (interviews in Paris, Berlin and Geneva, January-March 2024).

and/or opposition.

Why isn't this robust package of incentives enough to turn back the clock? First of all, it is not because of some kind of *sui generis* radicalism on the part of a leadership which, in the past, has done much bolder moves. The combined sum of its strategic decisions over the last 8 years goes indeed far beyond repealing the law: separation then confrontation with AQ, security tracking of the Islamic State, marginalization of radicals, reconciliation with mainstream Islam, security and military agreement with a NATO army, opening up to minorities, opening up to the West etc. What is more, this leadership was either unfavorable to or disinterested in the law⁵⁹. Second, it was not because the internal balance of power would not allow it to backtrack. The hardliners are not a faction capable of imposing decisions against the advice of the movement's political leadership, and other, far more problematic choices, such as the acceptance of mixed Russian-Turkish patrols, have been accepted without major reservations in the past.

If, then, the real reason behind the reluctance of the movement's leadership to backtrack lies neither in the personal convictions of its leaders, nor in any internal balance of power, what is it the result of? In our view, the explanation lies in the fact that we are confronted with a form of paradoxical implication on the part of the leadership: it considers that renouncing a now public law is too costly. In fact, he is bound to the bill, which he gives little support to, by the principle of "negative solidarity" (Jean-Noël Ferrié) stemming from the hegemonic nature of the religious reference in a public space in Idlib dominated by a revolutionary asceticism often expressed in religious terms and carried by social actors who matters to the movement's leadership (the large urban families of Idlib supported by part of the clergy): "i.e. to the adoption of a common behavior stemming, not from the unanimous choice of all, but from the difficulty for everyone (leadership included ndt.) to express disagreement"⁶⁰. To put it another way, as an actor driven by a political rationality, HTS' leadership maintains a subjective relationship of exteriority with its religious wing (as we have seen, he refers to them as *mashâikh* or *sharaiyyeen*, distinguishing himself from them) but still, it cannot reject its regulation demand even if it is rather critical of it contentwise, as a result of a situation of ideological hegemony of the reference, a situation that the political hegemony of the movement cannot compensate for.

Like other conservative Arab regimes, HTS is unwilling to adopt a doctrine in response to populist demands. The movement can therefore only take half-measures, as it has no counter-arguments to put forward. In Idlib, HTS discreetly "freezes" a law, in Switzerland Tariq Ramadan proposes a moratorium, and in Egypt the late president Sadat ensures the silent disappearance of a law in the meanders of parliamentary bureaucracy despite the fact that it was discussed in a plenary assembly session. We are faced with a curious paradox: HTS is looking for compromise, but the absence of doctrinal revision forces them to take half-measures that satisfy no one, which is contrary to their political rationality, which is precisely the search for acceptable compromises.

In our view, this curious paradox now makes it possible to accurately define an Islamist movement. We assume first that the problem underlying the paradox is ontological. HTS sees itself as driven by the desire to defend Islam, which is the basis of its political identity. As they are based on an identity repertoire, when faced with a demand for the application of a religious prescription or norm, they cannot disavow themselves from the demand, because they cannot dissociate themselves from the Islamic reference. As for its political rationality, this places the leadership in a cost-benefit relationship with the application of the reference, but does not allow it to contest its basis. An Islamist movement is therefore ontologically identity-based, but driven by a political rationality that sometimes puts the movement at odds with the reference it claims to defend, because applying the reference can be costly and, for a movement driven by a political rationality, costs count.

Islamists think politically but are ontologically bound to Islam. As such, they cannot easily and

59 Interviews, Istanbul, February 2024.

60 Jean-Noël Ferrié, *Le régime de la civilité en Égypte. Public et réislamisation*, Paris, Presses du CNRS, 2004, p. 4.

freely manipulate the reference in order to address their cost-benefit calculations, because the reference comes with a set of constraints, as expressed by the King of Morocco, who, this time embarrassed by an overly liberal personal status law, recalled his own limits and set the perimeter of the reform, which cannot violate the formal texts of the Koran: “*I cannot authorize what God has prohibited, nor forbid what the Highest has authorized*”⁶¹. HTS is caught in a similar “ontological trap”: one cannot set oneself up as the protector of Islam and disavow Muslim principles that the majority does not contest and that an active minority defends. And when there is a tension between a political rationality and the demand for religious norms, the response of an Islamic leader is always the same: dilute, ignore, freeze or impose a moratorium in order to postpone the application of the principle without questioning its foundations. In other words, one can now define an Islamist as a political actor who relies ontologically on a religious identity that can occasionally embarrass him.

Thus, the adoption of the law is not the result of an imposition from above, or even backed by the movement’s political leadership. Nor is it the result of a social consensus (the law goes beyond social conservatism and has been sharply criticized even within Idlib). It is the product of the difficulty for everyone, no matter how authoritarian the political leadership might be, to publicly express their disagreement. To put it plainly, the fundamentally political nature of the movement’s leadership, which has always postponed the need for doctrinal aggiornamento, puts it at the mercy of this grey area where today’s “populist postures” are unfolding, which the leadership otherwise (silently) repudiates. The military and political defeat of the radicals does not therefore prejudice the possibilities of significant wins of radicalism now that it has been reformulated in a mold of populist social conservatism.

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⁶¹ Aurélie Collas, « Au Maroc, la réforme annoncée du code de la famille suscite l’espoir des défenseurs des droits des femmes », *Le Monde*, 23.10.2023.

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