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Online Fatwas and Their Relevance to the European Union¹

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1. Introduction

Do I have to stick to the traffic rules in my country of residence? A question that would, at first glance, have little to do with Islam, was actually asked of a mufti (*muftī*)² on an Islamic website. What follows is an incorporation of this inquiry into the broader context of the role and relevance of online fatwas (*fatwā*, pl. *fatāwā*). It will be used as an example to illustrate (1) methodology, (2) opposing views, (3) the problems connected with online fatwas, and (4) the diversity of their topics.

This paper begins with an extensive overview of the methodological approach. It then provides a contrast between differing internet-based Islamic juridical perspectives. It concludes by summarizing some Islamic legal interpretations on the political participation of Muslims in predominantly non-Muslim states like those of the European Union (EU). This paper is part of a broader project on Islam in the media and the development of Muslim positions on their religious requirements in these “Western” societies. It is also part of a more thorough analysis of fatwa web services.

2. Problem Outline and State of Research

Examining internet-related topics in the context of Islamic studies is nothing new. In Germany, Matthias Brückner has made major contributions to this research.³ From England come two more general works about virtual Islam by Gary Bunt.⁴ However, most of this research was conducted between 2000 and 2003, and there has since been a decrease in related scholarly activities. Meanwhile, fatwa activities and their influence on Muslims have remained in the public focus. Two newspaper articles from the second half of 2006 highlight this attention.

¹ This paper is the English translation of the lecture given at the German Orientalists’ Convention in Freiburg i.Br. on September 25, 2007 including additional footnotes and comments. The author thanks Nathan Hodson, Johanna Pink, and Mathias Rohe for their helpful remarks on the manuscript. Of course, the author bears the sole responsibility for the ideas and views expressed herein.

² Frequent Arabic terms and names will be transliterated in parentheses upon their first mention and thereafter be written in their anglicized versions. Quotations will be left as in the original texts. Because all examined websites are published in English, the muftis’ names are written according to their own transliteration.

³ See Brückner, Matthias: “Der Mufti im Netz.” In: Lohlker, Rüdiger (ed.): *Islam im Internet. Neue Formen der Religion im Cyberspace*. CD-Rom. Hamburg: Deutsches Orient-Institut 2000, no page numbers.

⁴ Bunt, Gary R.: *Virtually Islamic. Computer-mediated Communication and Cyber Islamic Environments*. Cardiff: University of Wales Press 2000, and Bunt, Gary R.: *Islam in the Digital Age. E-Jihad, Online Fatwas and Cyber Islamic Environments*. London et al.: Pluto 2003.

One is from the German *Süddeutsche Zeitung*, a nationwide daily, which reported on the intended bombings of two German regional trains. “The two had spent a whole week in Kiel, it is said, mainly on the computer in Youssef’s student housing. There they were searching for fatwas (religious edicts) on the Internet delineating what is permissible in the fight against infidels.”⁵ The other article was published in the *Daily Star Egypt* during Ramadan. It quoted the critical Egyptian playwright Asmā’ al-Bakrī: “We even need the opinion of the sheiks to pluck eyebrows, and they answer rather than remain limited to spirituality.”⁶

Practical legal sources like online fatwas therefore contribute to the understanding of an ever-changing, adaptable Islam. What is a fatwa? A fatwa is a written opinion or a non-binding, yet generally valid report on a question about the whole range of Islamic law, including matters of one’s personal way of life and religious rite.⁷ The mufti is the theoretically qualified issuer of fatwas, whose decision is usually accepted on the grounds of his or her authority vis-à-vis the questioner. The mufti may well be a woman. The *mustaftī*, finally, is the – again male or female – questioner.

3. Methodological Background

The systematic analysis of the dissertation project presented is made possible by the Erlangen fatwa database, which draws from roughly 24,000 fatwas from four websites: islamicity.com, islam.tc, islam-qa.com, and islamonline.net. Only the latter two are still updated regularly, while islam.tc has been moved to askimam.org where it is still updated as well. All four sites address issues from a Sunni perspective. And all are characterized by a comparatively high user frequency, although exact numbers have been debated. Henner Kirchner has referred to 100,000 daily hits at islamonline.net, for instance, according to data provided by the operators in 2002.⁸ Two years earlier, however, Gary Bunt had indicated one million daily hits using similar data. Regardless of the precise figures, the site is clearly heavily trafficked. Its Cairo-based staff includes more than 100 people who take care of all site-related services.⁹

⁵ *Süddeutsche Zeitung* (ed.): “Kofferbombener [sic!] wollten offenbar aus religiösem Eifer töten.” In: *Süddeutsche Zeitung* (October 24, 2006). Available at: <http://jetzt.sueddeutsche.de/texte/anzeigen/343683> [24 Feb 2008] (author’s translation from German).

⁶ Navarro, Alain: “‘Fatwa’ Website Forum Thrives During Ramadan.” In: *Daily Star Egypt* (October 12, 2006). Available at: <http://www.dailystaregypt.com/article.aspx?ArticleID=3368> [24 Feb 2008].

⁷ Cf. e.g. Wizārat al-awqāf wa-l-shu’ūn al-islāmiyya (ed.): “fatwā” in *al-Mawsū’a al-fiqhiyya*. First ed. Vol. 32. al-Kuwayt 1995, pp. 20-50, here p. 20.

⁸ Kirchner, Henner: *Blogs, Pods und SMS – Micromedien als Mobilisierungsmedien* (sic!). Presentation at the 13th DAVO Congress. Hamburg December 1, 2006.

⁹ Bunt: *Islam in the Digital Age*, p. 147.

Still, Islamonline.net remains the smallest site, comprising of somewhere between 1,800 and 3,900 fatwas in English.¹⁰ The other sites display between 5,000 and 11,000 fatwas.¹¹ Even oft-cited sources like fatwaonline.com (with 800 fatwas)¹² and the state-run *Dār al-Iftāʾ al-Miṣriyya* (with approximately 300 fatwas in 2001)¹³ are hardly comparable. The “Big Four” therefore represent the online supply of fatwa services, which stands in stark contrast to fatwa archives. The latter are mere collections of fatwas from days long past while the former supply the faithful with their edicts on an almost daily basis.¹⁴ The fatwas examined for this research were issued between January 1995 and September 2006, most of them after 2000. Questions related to politics which have been asked since may also be included.

Seven categories can be distinguished for the useful operationalization of the database and a systematic search capacity.

1. Politics (e.g. public life, the general relationship with non-Muslims, *daʿwa*, lesser *jihād*)
2. Private relations with non-Muslims
3. Economics and money
4. Family and gender issues
5. Worship and spiritual matters (e.g. the five pillars of Islam)
6. Basics of *fiqh* (e.g. customs, legal sources, *bidaʿ*, jurisdiction)
7. Miscellaneous

Methodologically this standardization serves as an orientation and helps to qualify the heading “Politics.” Testing the usefulness of these categories while examining the two well-structured sites islam.tc and islam-qa.com yielded the following results. The portion of political fatwas in the broadest sense averages roughly five percent. Fatwas on private relations with non-Muslims represent about four percent. Economics and Money make up six to nine percent. *Fiqh* is between 14 and 22 percent. And the overwhelming remainder of the 17,000 fatwas in question can be counted in the other categories.¹⁵

¹⁰ Figures vary for an unknown reason. The site itself counts 3,824 fatwas by the end of 2007. The database consists of approximately 1,800 fatwas from islamonline.net as of September 2006. The difference between this stock and December 2007 should therefore be some 2,000 fatwas. Yet islamonline.net counts only about 420 additional fatwas during that period. In addition to these English fatwas, the site also offers more than 11,000 fatwas in Arabic.

¹¹ For islam.tc roughly 10,000 fatwas have been included in the database. By the end of 2007 between 1,000 and 1,400 fatwas had been added on askimam.org. Again figures vary even among the numbers provided by the site itself. Islam-qa.com, too, represents about 6,900 fatwas in the database; for islamicity.com about 5,400 fatwas have been saved.

¹² Author’s approximation on September 21, 2007.

¹³ Brückner, Matthias: “IslamiCity. Creating an Islamic Cybersociety.” In: *ISIM Newsletter* 8 (2001), p. 17.

¹⁴ For the distinction see Brückner: “Der Mufti im Netz.”

¹⁵ This is also supported by Brückner’s smaller-scale observations. See Brückner: *Fatwas online*, transparency no. 9 in cyberspacefatwa.ppt.

Standardizing the search criteria is part of the qualitative scrutiny. In the second step, the topics chosen in the category “Politics” have been sorted according to several sub-categories after reading the relevant fatwas. The first, non-representative overview, for example, included topics ranging from “Law and Order in Predominantly Non-Muslim Societies” to “Participation in Pluralistic Elections” to “Citizenship” to “Muslim Attitudes towards Democracy.” Examples of fatwas in these sub-categories are provided below.

For example, one useful truncated search word in MS Access might be *elect* for “election,” “elect,” “elected,” etc. Not only does such a search yield many possible results, but the fewer letters included in the search, the fewer orthographic mistakes that have to be taken into consideration. The search is also narrowed in a way that excludes undesired words (*elect* without the initial space would return “selected” as well). In either case, however, finding “electricity” cannot be avoided. The figures refer to the results of a database inquiry on topic, title, question, and text. Some fatwas may appear more than once.

The fatwas were saved to the database in English. Islamonline.net opens in English by default without providing for identical fatwas in the Arabic section. The same is true of islam.tc and islamicity.com, without even maintaining an Arabic section. From a practical point of view, Arabic is not the native language of most Muslims. In this regard – and even more so with regard to reaching European Muslims through the medium of the internet – English seems justified as the lingua franca.

The research project is restricted in that it cannot ascertain the de facto everyday relevance of fatwas for Muslims. Gerhard Hoffmann, historian and scholar of Islamic studies, negates the significance of online fatwas completely because the same questions have been asked over and over for centuries.¹⁶ However, circumstantial evidence such as the rapid increase in online fatwas, the number of hits (where possible to verify), and conceivable multiplier effects all point to the increasing relevance of online fatwas. Still, one methodological problem of internet research is the difficulty of determining the degree of authority for each individual *mustafī*.

Strictly speaking not all of the analyzed legal opinions are fatwas. Their formal structure has been diluted. The operators of the site islamicity.com themselves emphasize that the question-and-answer category should not be misunderstood as producing classical fatwas. Hence one must speak of fatwa-like categories. Occasionally, the originally Ottoman closing formula “God knows best” is also missing.

¹⁶ Hoffmann, Gerhard: “Zu aktuellen sozialen Dimensionen der arabischen Fatwa-Ratgebung.” In: *Orient* 47,3 (2006), pp. 371-386, here p. 380.

Nevertheless those muftimedia-based answers have the advantage of not being restricted to the normative prerequisites of the classical canon. Instead they *might* take real life situations into account. However, this is not always the case, as is made clear through the discussion of the expressions “reformist” and “traditional,” which are introduced in the next section.

4. Reformist vs. traditional opinions

Generally speaking, it seems as though two large legal religious currents can be discerned when analyzing online fatwas. In a way, this reflects reality, given that in practice the conventional distinctions between the four Sunni legal schools do not apply as strictly today as they had a century ago. This is at least partly a result of the rapid expansion of communication and the quick flow of information. It therefore seems practical to distinguish between reformist and traditional opinions as two broad categories because – as will be seen – they characterize two approaches. Then again, perhaps this distinction between “reformist” and “traditional” cannot be extended to all fatwas, only with regard to those examined. Besides, there is a great variety in the literature of labeling the two approaches.

In examining online fatwas, it is useful to adopt a narrowed perspective. Most online fatwas belong to the Sunni branch of Islam, with over 50 percent of them originating from a Wahhabi background and the network around the Egyptian-born *sheikh* Yūsuf al-Qaraḏāwī, who features prominently on islamonline.net.¹⁷

When defining the traditional approach, it is helpful to view its relationship with non-Muslims based on the *dhimmi* status of “the people of the book.” Obviously, the notion of dhimmitude relates to non-Muslims in Muslim countries. Yet the way traditional Muslim scholars would not conceive of non-Muslims in their home countries as equals often antagonizes their reformist counterparts. Consequently, traditionalists ignore real-life circumstances outside Muslim-majority contexts. This leaves them with two possibilities. They can either propagate *da‘wa* to gradually include the non-Muslim lands into the Muslim legal territory or they can call for the emigration of Muslims from their non-Muslim environment. Both could be explained with the legal concept of necessity (*ḍarūra*).

¹⁷ See Brückner, Matthias: *Fatwas online. Zentrale Aspekte des islamischen Cyberspace – ein Überblick*. Available at: [http://www.orient.uni-freiburg.de/fmoll/brueckner/cyberspace/zf view](http://www.orient.uni-freiburg.de/fmoll/brueckner/cyberspace/zf_view) [24 Feb 2008], transparency no. 3 in cyberspacefatwa.ppt.

Traditionalists rely heavily on the four consensual sources of jurisprudence (*uṣūl al-fiqh*) established by Muḥammad ibn Idrīs al-Shāfi‘ī,¹⁸ especially the Quran and hadiths. Their approach draws more from the ideal of the rightly guided caliphs than from the aforementioned legal schools whose significance in purely legal matters is nowadays limited. This resembles a description of the Wahhabi doctrine as “the direct approach of the Qur’ān and Sunna” which “had been the sole sources for right guidance of the early Islamic community (*al-awwalūn*), [and whose] example was incumbent also on the later generations (*al-muta’akhkhirūn*)”.¹⁹ This does provide for interpretative adaptations to contemporary circumstances, but not necessarily.

The reformist²⁰ or rather “new” approach, on the contrary, is that perspective which sees Muslims and non-Muslims as being on equal footing and is more purpose-oriented, for instance, towards the circumstances of Muslims in the EU. It would appear that it is for this reason that reformists include legal sources besides the Quran and sunna more frequently. In particular, they implicitly apply sources beyond the Shāfi‘ī doctrine and those officially accepted by the different schools.²¹ Moreover, when it comes to the interpretation of legal issues – as opposed to purely doctrinal and worship issues – traditions from all legal schools may be applied (*takhayyur*) and eclecticism (*talfīq*) is permitted. This leads to their consideration of the socio-historical context of each ruling.²²

5. Examined Websites

The Erlangen fatwa database on which this research relies consists of four websites. Their archives have grown more or less consistently during the past six years, although a slight decrease has been observed for islam-qa.com since the end of 2006. The multilingual site is mostly synchronized as far as the English and Arabic fatwas are concerned.²³ It is interesting

¹⁸ The *Ḥanābila* recognizes only three of them. Cf. e.g. Radtke, Bernd: “Der sunnitische Islam.” In: Ende, Werner, Steinbach, Udo (eds.): *Der Islam in der Gegenwart*. Fifth ed. Munich: C.H. Beck 2005, pp. 55-69, here pp. 64 f., and in English Calder, Norman: “uṣūl al-fiqh” in *EI²*. Vol. 10. Leiden: Brill 2000, pp. 931-934.

¹⁹ For an overview of the Wahhabiyya cf. e.g. Peskes, Esther: “wahhābiyya” in *EI²*. Vol. 11. Leiden: Brill 2002, pp. 39-45, here p. 40.

²⁰ For a detailed overview of the diverse notions of “reformist” in an Islamic context see e.g. Merad, Ali: “iṣlāḥ” in *EI²*. Vol. 4. Leiden: Brill 1978, pp. 141-163, which mostly resembles the idea of the traditional approach set forth above. Reformism in terms of this paper is closer to the “liberal” tendency described in *ibid.*, p. 161.

²¹ Cf. e.g. Tripp, Charles: *Islam and the Moral Economy. The Challenge of Capitalism*. Cambridge: CUP 2006, pp. 70 ff., where he explains possible differences between the traditional and reformist approaches regarding social welfare.

²² Cf. e.g. Saeed, Abdullah: *Interpreting the Qur’ān. Towards a contemporary approach*. London, New York: Routledge 2006, pp. 50 ff., where he distinguishes between a textualist and reason-based, i.e. reformist, approach.

²³ Commenting on the presentation Matthias Brückner emphasized that, contrary to the author’s initial impressions, not all fatwas are identical in both languages. He pointed out that certain paragraphs with content

to note that this site is the only one that loads in Arabic by default. This leads one to conclude that it has a more traditionalist orientation. Its operation by the Saudi-based mufti Muhammad Salih al-Munajjid further backs this argument.

One can find another well-structured categorization tree under the link “Ask the Imam” at islam.tc, which may also be accessed at ask-imam.com. This fatwa archive has not been extended since October 2006. Again, the current version is available at askimam.org. After looking at some fatwas from the category “Society and Culture” one gets the sense of a traditionalist view supporting counter-societal developments. The fatwas were usually issued by the South African mufti Ebrahim Desai, who was educated in India.²⁴ It does appear as though each mufti is also a product of his environment (i.e. a Canadian mufti is likely to be more reformist than a South African).

While islam.tc operates from a minority context, islamonline.net has its seat in Qatar. And in contrast to the concise fatwas from islam.tc, one finds rather extensive fatwas at islamonline.net – often with concrete reference to hadiths and other sources. The following fatwa illustrates this case. It was requested on October 8, 2006 by a British user called “samy” and answered by the Indo-Canadian mufti Ahmad Kutty.²⁵ It gives evidence for a position different from that of islam.tc as noted above – namely a reformist one. The fatwa deals with the application of the sharia in modern times. Kutty argues that one would not have to take grain to the mosque in order to pay the alms (*zakāt*) to follow the Prophet’s example. He writes, “Let us not make the laws of Shari’ah anachronistic; rather realize its inherent flexibility and dynamism to be applied to all times and circumstances. [...] Allah Almighty knows best.”²⁶

Finally, the site islamicity.com, which is registered in California, disposes of a fatwa-like category (*Q&A Ask Imam*). The answers mostly adhere to the formal criteria for the structure of a fatwa. Many end with the invocation “God knows best.” Unfortunately, neither the *mufta* nor the mufti are named, introduced, or identified in particular fatwas. This is even more surprising since the opinions of the scholars are not necessarily endorsed by

possibly unfriendly towards non-Muslims are omitted in the English version (Freiburg i.Br., September 25, 2007).

²⁴ See about him Ask-Imam.com (ed.): *Mufti Ebrahim Desai*. Available at: <http://www.islam.tc/ask-imam/mufti.shtml> [24 Feb 2008].

²⁵ See about him IslamOnline.net (ed.): *Guest CV*. Available at: <http://www.islamonline.net/livefatwa/english/Guestcv.asp?hGuestID=4QI4g5> [24 Feb 2008].

²⁶ Issued in a fatwa session about “Fasting and Zakat Al-Fitr”. Available at: <http://www.islamonline.net/livefatwa/english/Browse.asp?hGuestID=4QI4g5> [24 Feb 2008]. For fatwa references from islamonline.net and islam.tc exact URLs will be given. Fatwas from islamicity.com and islam-qa.com can be accessed by typing the provided fatwa number in the search field. Except for islam-qa.com all sites indicate the date when a fatwa was issued.

islamicity.com.²⁷ From the way the answers are formulated one may conclude that more than one scholar issues the fatwas. This is also reflected by the general reference to “Dr. Dani Doueiri and Imam Team” responsible for the fatwa section.²⁸ Islamicity.com’s archive has not grown since October 2006.

All sites still claim to admit questions from *mustaftīs*. Despite this they have daily quotas, after which those exceeding the limit are blocked technically. However, with the exception of islamicity.com the quota had always been exceeded during the author’s random checks.

6. Examples

6.1 Muslim Attitudes towards Democracy

Two fatwas on general, philosophically-influenced attitudes towards democracy serve as illustrations of contrasting viewpoints. For example, Mufti Ebrahim Desai considers democracy and Islam to be irreconcilable. After all, the majority might vote for something vicious like the legalization of prostitution or gambling.²⁹ A mufti from islamonline.net disagrees: Muslims do believe that pluralism and political freedom are part and parcel of the nature of Islamic doctrine. *Shūrā* and *mudāfa‘a*, consultation and the separation of powers, would be Islamic principles even if “non-Muslim countries applying democracy [...] are still non-Muslim” for religious and social reasons.³⁰

6.2 Participation in Pluralistic Elections

Muftis from all four websites are concerned with questions about elections, among the least ambiguous and contentious topics when it comes to political participation. Although Muhammad Salih al-Munajjid from islam-qa.com takes a balanced position towards Muslims’ participation in elections, he does tend toward a more negative response. According to him elections would be prohibited if Muslim voices did not have any influence on a pro-Muslim outcome of the elections. Otherwise, if a positive effect could be anticipated, they would be preferred as the lesser evil.³¹ He does not explain the ensuing contradiction that would arise if everyone thought the same way. This view is, however, similar to that which *Ḥizb al-Taḥrīr*

²⁷ IslamiCity.com (ed.): *Important Notice*. Available at: <http://www.islamicity.com/qa/> [24 Feb 2008].

²⁸ IslamiCity.com (ed.): *Scholars who may answer your questions*. Available at: <http://www.islamicity.com/qa/about.shtml> [24 Feb 2008].

²⁹ Fatwa dated September 8, 2005. Available at: <http://islam.tc/ask-imam/view.php?q=15522> [24 Feb 2008].

³⁰ Fatwa dated April 22, 2007. Available at: http://www.islamonline.net/servlet/Satellite?cid=1145175705661&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

³¹ Fatwa no. 3062.

and the *Islamische Jugend Österreich* (IJÖ, Islamic Youth Austria) offered in an online pamphlet.³²

Ebrahim Desai also weighs carefully the pros and cons. In his view, voting and being elected to office are permissible, but such activity depends on the contribution of the elections to the well-being of the Muslim population and to the adherence to the Islamic rules of belief.³³

Muftis from islamonline.net consistently encourage participation in elections. In the first half of 2007 alone, many questions were submitted to that effect. In the answers they call voting a “national duty”³⁴ or “religious duty”³⁵ against the background of the Islamic principle to enjoin that which is good and forbid that which is evil – *al-amr bi-l-ma’rūf wa-l-nahy ‘an al-munkar*.³⁶ Here, too, the positive impact on the Muslim community plays a vital role.³⁷

One question referred to the U.S. midterm elections in November 2006. The fatwa reads that, generally speaking, parliaments like the U.S. Congress are religiously and ideologically neutral bodies. Besides, Muslims would be expected not to vote for candidates who only help

³² Cf. Islamische Jugend Österreich (ed.): *Die politische Partizipation im Westen und der diesbezügliche Rechtsanspruch*. No place, no year. This fatwa-like comment was available online at the site of the IJÖ through October 2006 as a file named IJOE_politische_partizipation_im_westen.pdf. One year later the file could no longer be found. It reappeared at a different web address as a missionary booklet under a slightly different title *Die politische Partizipation im Westen und der diesbezügliche Rechtsanspruch des Islam* (year of publication 2002). This time information about the editor is added: Hizb al-Tahrir. Cf. http://www.islam-projekte.com/kalifat/kalifat/webseite/ru_artikel/buecher_deutsch/die_politische_partizipation_im_westen.pdf [24 Feb 2008].

A core group of three members of the IJÖ, including its leader, were arrested in Austria in the late summer of 2007. According to news sources they had been responsible for the dissemination of threats on behalf of the *Global Islamic* (or *Islamist*) *Media Front* (GIMF) in German-speaking countries and areas. The pamphlet had obviously been prepared and circulated prior to the 2006 Austrian national parliamentary elections. Meanwhile the server administrator of the IJÖ’s former website has cancelled the cooperation. The site is no longer available online. Cf. e.g. Nowak, Rainer: “Schuldig ist, wer gegen Islam kämpft.” In: *Die Presse* (September 14, 2007). Available at: <http://diepresse.com/home/politik/terror/329875/index.do> [24 Feb 2008], and Jandl, Paul: *Video Threats and Official Headscarves in Austria. Islam Creates only Moderate Concern*. Available at: http://qantara.de/webcom/show_article.php/ c-478/ nr-712/i.html [24 Feb 2008].

The IJÖ is not to be confused with the *Muslimische Jugend Österreich* (MJÖ, Muslim Youth Austria), which is affiliated to the *Islamische Glaubensgemeinschaft in Österreich* (IGGiÖ, Islamic Community in Austria).

³³ Fatwas dated October 5, 2000. Available at: <http://www.islam.tc/ask-imam/view.php?q=1193> [24 Feb 2008], August 10, 2005. Available at: <http://www.islam.tc/ask-imam/view.php?q=14390> [24 Feb 2008], and September 7, 2000. Available at: <http://www.islam.tc/ask-imam/view.php?q=799> [24 Feb 2008].

³⁴ Fatwa dated April 22, 2007. Available at: http://www.islamonline.net/servlet/Satellite?cid=1119503545732&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

³⁵ Fatwa dated April 18, 2007. Available: http://www.islamonline.net/servlet/Satellite?cid=1137938336442&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

³⁶ Cf. Cook, Michael: *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge: CUP 2000. As vague as it may appear this principle is widespread in Muslim countries. In Saudi Arabia it is enforced by a special commission generally referred to as the “religious police”. Cook gives further examples of how Muslim scholars apply the concept to non-Muslim lands (e.g. p. 490, fn. 171), but indicates that this principle is part of non-Muslim legal traditions as well (p. 561).

³⁷ Fatwa dated April 19, 2007. Available at: http://www.islamonline.net/servlet/Satellite?cid=1119503548286&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

the Muslim minority, but for those who protect the American people as a whole from “creedal, moral, and social degradation.”³⁸

Another example refers to an extensive presentation of the matter on occasion of the 2007 French presidential election. It was issued by the *European Council for Fatwa and Research* (ECFR) and approaches the problem with reference to numerous historical precedents. The fatwa stems from the same careful tradition of the other sites, which remain favorable towards eligible candidates. The fatwa then enumerates a number of Islamic precedents, including the principle of loyalty to Muhammad’s participation in Mecca and Medina as well as the Constitution (*ṣaḥīfā*) of Medina. On the whole it refers to peaceful coexistence and neighborly support.³⁹

6.3 Citizenship

Another category could be labeled “citizenship.” Ebrahim Desai views the matter from different perspectives. The U.S. oath of allegiance would, on the one hand, include the freedom of belief and would therefore be permissible.⁴⁰ On the other hand, it is said to be un-Islamic on the grounds that it could prioritize worldly affairs over God and hence does not need to be followed – even more so as it is forced upon the new citizen.⁴¹ In one case the *mustafī* did, however, ask a leading question with a suggestive bias because he mentioned less complicated travel conditions in favor of exercising his religion when having a U.S. passport. Consequently, the mufti would grant him permission to be naturalized.⁴²

Mufti Ahmad Kutty makes a similar argument in the case of Canada. A Muslim can rest assured because the “sovereignty of God” is already provided for in the *Canadian Charter of Rights and Freedoms* and the constitution. Kutty continues by stating that it is the responsibility of any Canadian citizen just like any Muslim to practice justice, to obey the laws, and to fight aggression.⁴³ Dani Doueiri and his team from *islamicity.com* approve of gaining U.S. citizenship without further comment.⁴⁴ al-Munajjid from *islam-qa.com* completely opposes a Muslim’s stay in a non-Muslim state in the first place. He grants

³⁸ Fatwa dated November 7, 2006. Available at: http://www.islamonline.net/servlet/Satellite?cid=1119503547582&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

³⁹ Fatwa dated April 22, 2007. Available at: http://www.islamonline.net/servlet/Satellite?cid=1119503545732&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

⁴⁰ Fatwa dated August 4, 2000. Available at: <http://www.islam.tc/ask-imam/view.php?q=1657> [24 Feb 2008].

⁴¹ Fatwa dated April 25, 2003. Available at: <http://www.islam.tc/ask-imam/view.php?q=8471> [24 Feb 2008].

⁴² Fatwa dated March 14, 2002. Available at: <http://www.islam.tc/ask-imam/view.php?q=5193> [24 Feb 2008].

⁴³ Fatwa dated November 20, 2005. Available at: http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1131347579632 [24 Feb 2008].

⁴⁴ Fatwa no. 1864 dated November 1, 1997.

exceptions to those who, for example, cannot afford returning to a Muslim country. Consequently, accepting the citizenship of a European state as in the given case is forbidden.⁴⁵

6.4 Law and Order in Predominantly Non-Muslim Societies and Conclusion

It is evident that practical links to the political participation of Muslims in the European Union and North America exist. To sum up, islamonline.net perceives such participation almost uncritically. Other muftis choose a more balanced, reserved approach, while some even disapprove, such as those on islam-qa.com. Perhaps surprisingly, islamonline.net operates from Qatar and islam.tc from South Africa. Yet more thorough research is still required to address some of these potential contradictions.

Finally, according to the Qatari scholar Ali Muhyi Ed-Deen Al-Qara Daaghi on islamonline.net, Muslims would have to abide by the laws in force in their countries of residence. One concrete case refers to taxes and the impermissibility of evading them. Besides, they serve legitimate purposes in that they benefit the society as a whole.⁴⁶ Moreover, Muslims should strive for laws in favor of non-discrimination. If they feel treated unjustly (for instance, by a British law permitting the allegedly arbitrary searching and controlling of Muslims), they should take legal action.⁴⁷ And as far as the unknown *mustafti* from islam.tc is concerned: Does he have to stick to the traffic rules or otherwise pay a fine? Yes. The sharia provides for the use of public goods like streets without anyone being endangered or harmed. Fines would then be admissible deterrents against otherwise anarchic traffic conditions.⁴⁸ But God knows best.

⁴⁵ Fatwas no. 14235 and no. 22475.

⁴⁶ Fatwa dated June 24, 2007. Available at: http://www.islamonline.net/servlet/Satellite?cid=1119503544008&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

⁴⁷ Fatwa May 30, 2007. Available at: http://www.islamonline.net/servlet/Satellite?cid=1179664711100&pagename=IslamOnline-English-Ask_Scholar%2FFatwaE%2FFatwaEAskTheScholar [24 Feb 2008].

⁴⁸ Fatwa dated October 5, 2000. Available at: <http://www.islam.tc/ask-imam/view.php?q=1197> [24 Feb 2008].

7. Works Cited

- Ask-Imam.com (ed.): *Mufti Ebrahim Desai*. Available at: <http://www.islam.tc/ask-imam/mufti.shtml> [24 Feb 2008].
- Brückner, Matthias: “Der Mufti im Netz.” In: Lohlker, Rüdiger (ed.): *Islam im Internet. Neue Formen der Religion im Cyberspace*. CD-Rom. Hamburg: Deutsches Orient-Institut 2000, no page numbers.
- Brückner, Matthias: “IslamiCity. Creating an Islamic Cybersociety.” In: *ISIM Newsletter* 8 (2001), p. 17.
- Brückner, Matthias: *Fatwas online. Zentrale Aspekte des islamischen Cyberspace – ein Überblick*. Available at: http://www.orient.uni-freiburg.de/fmoll/brueckner/cyberspace/zf_view [24 Feb 2008] in cyberspacefatwa.ppt.
- Bunt, Gary R.: *Islam in the Digital Age. E-Jihad, Online Fatwas and Cyber Islamic Environments*. London et al.: Pluto 2003.
- Calder, Norman: “uṣūl al-fīḥ” in *EP*. Vol. 10. Leiden: Brill 2000, pp. 931-934.
- Cook, Michael: *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge: CUP 2000.
- Hoffmann, Gerhard: “Zu aktuellen sozialen Dimensionen der arabischen Fatwa-Ratgebung.” In: *Orient* 47,3 (2006), pp. 371-386.
- IslamiCity.com (ed.): *Important Notice*. Available at: <http://www.islamicity.com/qa/> [24 Feb 2008].
- IslamiCity.com (ed.): *Scholars who may answer your questions*. Available at: <http://www.islamicity.com/qa/about.shtml> [24 Feb 2008].
- Islamische Jugend Österreich (ed.): *Die politische Partizipation im Westen und der diesbezügliche Rechtsanspruch*. No place, no year.
- IslamOnline.net (ed.): *Guest CV*. Available at: <http://www.islamonline.net/livefatwa/english/Guestcv.asp?hGuestID=4QI4g5> [24 Feb 2008].
- Jandl, Paul: *Video Threats and Official Headscarves in Austria. Islam Creates only Moderate Concern*. Available at: http://qantara.de/webcom/show_article.php/c-478/nr-712/i.html [24 Feb 2008].
- Kirchner, Henner: *Blogs, Pods und SMS – Micromedien als Mobilisierungsmedien (sic!)*. Presentation at the 13th DAVO Congress. Hamburg December 1, 2006.
- Merad, Ali: “iṣlāḥ” in *EP*. Vol. 4. Leiden: Brill 1978, pp. 141-163.

- Navarro, Alain: “‘Fatwa’ Website Forum Thrives During Ramadan.” In: *Daily Star Egypt* (October 12, 2006). Available at: <http://www.dailystaregypt.com/article.aspx?ArticleID=3368> [24 Feb 2008].
- Nowak, Rainer: “Schuldig ist, wer gegen Islam kämpft.” In: *Die Presse* (September 14, 2007). Available at: <http://diepresse.com/home/politik/terror/329875/index.do> [24 Feb 2008].
- Peskes, Esther: “wahrhābiyya” in *EI²*. Vol. 11. Leiden: Brill 2002, pp. 39-45.
- Radtke, Bernd: “Der sunnitische Islam.” In: Ende, Werner, Steinbach, Udo (eds.): *Der Islam in der Gegenwart*. Fifth ed. Munich: C.H. Beck 2005, pp. 55-69.
- Saeed, Abdullah: *Interpreting the Qur’ān. Towards a contemporary approach*. London, New York: Routledge 2006.
- Süddeutsche Zeitung (ed.): “Kofferbombener [sic!] wollten offenbar aus religiösem Eifer töten.” In: *Süddeutsche Zeitung* (October 24, 2006). Available at: <http://jetzt.sueddeutsche.de/texte/anzeigen/343683> [24 Feb 2008].
- Tripp, Charles: *Islam and the Moral Economy. The Challenge of Capitalism*. Cambridge: CUP 2006.
- Wizārat al-awqāf wa-l-shu’ūn al-islāmiyya (ed.): “fatwā” in *al-Mawsū’a al-fiqhiyya*. First ed. Vol. 32. al-Kuwayt 1995, pp. 20-50.