EUROPEAN FATwas IN THE NETHERLANDS
An exploratory qualitative study among Dutch imams on the influence the European Council for Fatwa and Research has upon the Muslim community in the Netherlands

Susanne Elisabeth van Esdonk | University of Amsterdam
European Fatwas in the Netherlands

An exploratory qualitative study among Dutch imams on the influence the European Council for Fatwa and Research has upon the Muslim community in the Netherlands

Susanne Elisabeth van Esdonk - 6144810

Supervised by Prof. Dr. G.A. Wiegers and Dr. U. L. Popp-Baier

Master Thesis
Research Master Religious Studies
Department of Art, Religion and Cultural Studies
Faculty of Humanities
University of Amsterdam

September 2011
ACKNOWLEDGMENTS

Writing this thesis would not have been possible without, first of all, the outstanding supervision of Prof. Dr. Gerard Wiegers and Dr. Ulrike Popp-Baier. Gerard, thank you for your support and your enthusiasm for the subject I have chosen to elaborate upon. Ulrike, thank you for introducing me into the field of empirical research and for supervising the qualitative study I conducted in this thesis.

Secondly, many thanks are due to the Dutch imams and board members of Islamic organizations in the Netherlands who were willing to talk to me and provided me with the data upon which the qualitative research in this thesis is based.

Thirdly, I would like to express gratitude to my parents who have helped me ‘survive’ the long, lonely and exhausting period of thesis writing. Mum and Dad, thank you for supporting me, listening to my ideas and encouraging me to trust in my own abilities to fulfill this final stage of my study.

Of course, there are a lot more people to thank. Herman Beck and Wim Weren (Tilburg University) for providing me with positive letters of reference that helped me getting accepted to the Research Master in the first place. Michiel, my dear brother, for working on the interview transcriptions. Giulia, who helped me out with the transliteration of the Arabic words. And, last but not least, all my classmates in the Research Master, who supported and encouraged me during the time I wrote this thesis and who contributed to the great time I had while studying at the University of Amsterdam. Thank you all.
TRANSLITERATION OF ARABIC CHARACTERS

The Arabic words mentioned in this thesis are transliterated following the Transliteration System of the International Journal of Middle Eastern Studies (IJMES).¹

Consonants

<table>
<thead>
<tr>
<th>١</th>
<th>٢</th>
<th>٣</th>
<th>٤</th>
</tr>
</thead>
<tbody>
<tr>
<td>١</td>
<td>٢</td>
<td>٣</td>
<td>٤</td>
</tr>
<tr>
<td>١</td>
<td>٢</td>
<td>٣</td>
<td>٤</td>
</tr>
</tbody>
</table>

Long Vowels | Short Vowels

<table>
<thead>
<tr>
<th>١</th>
<th>٢</th>
<th>٣</th>
<th>٤</th>
</tr>
</thead>
<tbody>
<tr>
<td>١</td>
<td>٢</td>
<td>٣</td>
<td>٤</td>
</tr>
</tbody>
</table>

¹ As can be consulted at: http://web.gc.cuny.edu/ijmes/docs/TransChart.pdf
# CONTENTS

Acknowledgements 3

Transliteration of Arabic characters 4

Contents 5

Introduction 7
   Goals and Structure 8

1. 19th Century Islamic Reformism: Reinterpretation of the Qur’an and Sunna in light of modern circumstances 11
   1.1 Jamāl al-Dīn al-Afghānī 12
   1.2 Muḥammad ‘Abduh 13
   1.3 Muhammad Rashīd Riḍā 15
   1.4 'Abduh’s and Riḍā’s fatwās: combining the old and the new 17

2. 20th Century Islamic Reformism: towards a fiqh for minorities 19
   2.1 Reforming Islamic thought: al-‘Alwānī’s Islamization of knowledge 20
   2.2 Islamic awakening in the thought of al-Qaraḍāwī 22
   2.3 Fiqh al-aqalliyyāt: the role of Muslim minorities in the West 24
   2.4 Fiqh al-aqalliyyāt: aims and central themes 25
   2.5 Fiqh al-aqalliyyāt within the general reformation of usūl al-fiqh 28
   2.6 Critical responses to fiqh al-aqalliyyāt 30

3. The European Council for Fatwa and Research 33
   3.1 Muftīs and fatwās in contemporary Europe 33
   3.2 ‘Integration without assimilation’: goals and membership 36
   3.3 The process of ʿiftāʾ in the ECFR 39
   3.4 The ECFR’s fatwās 41
      3.4.1 Fatwā 1 42
      3.4.2 Fatwā 2 44
      3.4.3 The ECFR’s audience and influence 45

4. Empirical study: European fatwās in the Netherlands 47
   4.1 Introduction 47
   4.2 Method 48
      4.2.1 Participants 48
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.2</td>
<td>Data collection</td>
<td>49</td>
</tr>
<tr>
<td>4.2.3</td>
<td>Data analysis</td>
<td>50</td>
</tr>
<tr>
<td>4.3</td>
<td>Result section 1: Dutch imams’ references to the ECFR</td>
<td>51</td>
</tr>
<tr>
<td>4.3.1</td>
<td>Introducing the imams</td>
<td>51</td>
</tr>
<tr>
<td>4.3.2</td>
<td>Consulting the ECFR</td>
<td>52</td>
</tr>
<tr>
<td>4.3.3</td>
<td>Transmitting the ECFR’s religious advice</td>
<td>57</td>
</tr>
<tr>
<td>4.3.4</td>
<td>Implementing the ECFR’s religious advice</td>
<td>59</td>
</tr>
<tr>
<td>4.4</td>
<td>Result section 2: Factors influencing an imam’s choice to turn to the ECFR</td>
<td>61</td>
</tr>
<tr>
<td>4.4.1</td>
<td>The role of Muslim in the Netherlands</td>
<td>62</td>
</tr>
<tr>
<td>4.4.2</td>
<td>The role of imams in the Netherlands</td>
<td>62</td>
</tr>
<tr>
<td>4.4.3</td>
<td>The role of fatwâs in the Netherlands</td>
<td>63</td>
</tr>
<tr>
<td>4.5</td>
<td>Result section 3: The ECFR and Moroccan Muslims in Europe</td>
<td>65</td>
</tr>
<tr>
<td>4.5.1</td>
<td>The ECFR’s establishment</td>
<td>65</td>
</tr>
<tr>
<td>4.5.2</td>
<td>The ECFR’s decreasing influence</td>
<td>65</td>
</tr>
<tr>
<td>4.5.3</td>
<td>The current situation in the Netherlands</td>
<td>66</td>
</tr>
<tr>
<td>4.5.4</td>
<td>The current situation in Europe</td>
<td>67</td>
</tr>
<tr>
<td>4.5.5</td>
<td>The future of Islam in Europe</td>
<td>67</td>
</tr>
<tr>
<td>4.6</td>
<td>Conclusion</td>
<td>68</td>
</tr>
</tbody>
</table>

**Conclusion**

The influence of the ECFR among Muslims in the Netherlands  
Suggestions for further research

**Abstract in English**

**Abstract in Dutch**

**Bibliography**

Appendix A: Interview questions (in Dutch)  
Appendix B: Original interview quotations (in Dutch)
INTRODUCTION

Are Muslims allowed to permanently reside in the West? Can they adopt legal citizenship in Western countries and be loyal to a non-Islamic government? And when they have become Western citizens, are they allowed to buy a house by means of an interest-containing mortgage, just like their non-Muslim friends do? And what happens when a Western woman decides to convert to Islam and her husband does not? Can she remain married to him?

These and other questions represent the issues that Muslims living in Western countries are currently dealing with. On the one hand they are confronted with a society that is unfamiliar with the Islamic religion, and on the other hand they are confronted with the Islamic tradition that is unfamiliar with Western society. Although Muslim minorities have been living outside the Islamic world since the early ages of Islam\(^2\), the number of Muslims living in a Diaspora situation nowadays is unprecedented (Caeiro, 2010a, 1). This causes Muslims to search for a balance between integrating into Western society and at the same time maintaining their religious identity. Muslims are in need of this balance on different levels, among which the social, political and economic one (Rohe, 2004, 323).

In the absence of a central religious authority within Islam, different individual jurists and fiqh\(^3\) institutions have dealt with the problems that Muslims experience (Abou El Fadl, 2005, 28-38). Among them are Ţāhā Jābir al-‘Alwānī and Yusūf al-Qaraḍāwī. Since the 1990s, they are engaged in a project on the development of an Islamic jurisprudence for Muslim living in the West. This project aims to create a special fiqh for minorities, fiqh al-aqalliyyāt, based on a reinterpretation of the classical sources of Islam in light of contemporary circumstances (‘Alwānī, 2003; Qaraḍāwī, 2001) and can be regarded a

---

\(^2\) A complete overview of the legal debates on Muslim minorities living outside the Islamic world from the 8\(^{th}\) until the 17\(^{th}\) century, can be found in the articles of Khaled Abou El Fadl (1994a; 1994b).

\(^3\) The 'Islamic law', shari'a, is a collection of prescriptions from the Qur’an and the Sunna, the normative example of the prophet. In some cases these prescriptions are specifically applied to a certain situation, but in most cases they are general. It is up to legal scholars to interpret and apply them in specific situations. Their practical applications can be recorded in 'law books', i.e. collections of fiqh, jurisprudence. Within fiqh, two levels can be distinguished: the first has a legal character and deals with laws and the regulation of social relations, and the second has a more religious character and deals with the consequences of one's behavior in the hereafter (Hallaq, 2009, 9; Peters, 2000, 141; 145).
continuation of the reformist salafiyya movement that dealt with similar issues in the late
nineteenth and early twentieth century (Caeiro, 2010a, 2; Fishman, 2006, 7; Schlabach,
2009, 95-96).

Besides the reinterpretation of the sources of Islam being a theoretical enterprise,
the fiqh al-aqalliyyāt project is adopted by two Sunnite Western fatwā councils as the
basis upon which they try to answer the questions Muslim minorities are dealing with. These
institutions are the Fiqh Council of North America (FCNA), established in 1988, and
the European Council for Fatwa and Research (ECFR), established in 1997. This latter
council regards its main aim to achieve ‘integration without assimilation’ of Muslims in
Europe (Caeiro, 2010b, 444). They are providing these Muslims with religious and legal
advices by means of a renewed interpretation of the Islamic sources and by doing this,
they aim to no longer base themselves strictly and solely on the work of the four Sunnite
schools of legal thought, madhhabs (Schlabach, 2009, 72-73).

**Goals and Structure**

In this thesis, the work of the European Council for Fatwa and Research will be discussed
within the process of the creation of a fiqh for Muslim minorities. The ECFR aims to ‘guide
the path of Islamic progress in the West’ and ‘bring ease in its fatwās’ (ECFR, 2002, 4-5),
but to what extent do they succeed in this? The main question of this thesis therefore is:

What can be said about the actual influence of the fatwās of the ECFR
among Muslims in Europe, and especially among Muslims living in the

---

4 A fatwā is a legal or religious advice that is given by a muftī, a religious scholar, who addresses
questions asked by the mustaftī, questioner, by applying Islamic law within a specific situation
(Hallaq, 2009, 9).

5 Even though similar developments can be observed within Shiite Islam, this thesis is confined to
the discussion of developments related to Sunnite Islam, as the majority of Muslims follow this
branch. Sunnite Islam is characterized by the wish to follow the prophet’s example and by the
development of its own legal and theological traditions in the spirit of the prophet (Bruijn, 2000,
124).

6 Within Sunnite Islam, four legal schools of thought, madhhabs, can be distinguished: Maliki,
Hanafi, Shafi‘i and Hanbali. They are named after the jurists who founded them and all represent a
different authoritative doctrine and legal methodology. When Muslims follow a certain madhhab,
this means that they will follow the legal opinions issued by it (Hallaq, 2009, 34).
Netherlands, according to existing literature and an exploratory qualitative study among imams in the Netherlands?

As mentioned within the research question, the question will partly be answered by means of an exploratory qualitative study among Dutch imams. Because of their central position within the Dutch Muslim communities and their familiarity with the sources of Islamic law, the imams can be regarded transmitters of the Islamic normative tradition, both within their role as preacher and within their role as religious and social counselor (Boender, 2007, 281-291). It is therefore interesting to explore the way in which these imams refer to the European Council for Fatwa and Research and the factors that influence their choices to consult the ECFR, or not. The two central research questions that will be answered within this qualitative study therefore are:

In what way do Dutch imams refer to the European Council for Fatwa and Research?

Which factors, according to their own perspective, influence the imams’ choices to turn to the European Council for Fatwa and Research for religious advice?

The results of this qualitative study will be presented in chapter four of this thesis and are preceded by a theoretical framework consisting of three chapters. In chapter one, the early reformations of Islamic thought in the nineteenth century will be discussed, with the main focus being on the way in which the nineteenth century reformers tried to reconcile the Qur’ān, Sunna\(^7\) and classical legal legacy with modern circumstances. The second chapter discusses the reforms in Islamic thought in the late twentieth century, and especially the works of Ṭāhā Jābir al-‘Alwānī and Yusūf al-Qaraḍāwī, and the development of fiqh al-aqalliyyāt.\(^8\) And finally, the third chapter discusses the position of the European Council for Fatwa and Research within this process. It furthermore focuses on its goals, membership, the process of iftā’ (issuing fatwās) and the actual fatwās they issued.

---

\(^7\) The Sunna is also known as the normative example or the biography of the prophet Muḥammad. It is regarded the second source of law, alongside the Qur’ān, because it offers practical examples of the application of Qur’ānic prescription in the prophet’s life (Hallaq, 2009, 16; Leemhuis, 2000, 75).

\(^8\) The author of this thesis is not proficient in Arabic and the theory discussed in this chapter (as well as in the rest of this thesis) is therefore derived from translations and as a result limited by their availability and accessibility.
This thesis aims to contribute to the corpus of already existing studies and literature on the *fiqh al-aqalliyyāt* project and the European Council for Fatwa and Research. Van Koningsveld subdivided these existing studies on *fatwās* for Muslims in Europe into three categories: first, there are studies dealing with the identification of religious authorities, the scholarly methodology they apply and the subjects they discuss; in the second category, the various positions studied in the previous category are analyzed and compared, mainly according to certain key issues; and the final category consists of studies undertaken by social scientists who assess the actual influence of the models developed in the previous two categories (Koningsveld, 2006, 217-221).

Recent publications on *fiqh al-aqalliyyāt* and the ECFR that can be placed within this categorization, are the articles of Shammai Fishman (2003; 2004; 2006) on the work of Ṭāhā Jābir al-‘Alwānī, the MA-thesis of Mahmoud al-Saify (2004) on the legal aspects of interreligious marriages for converted Muslims in the West, the dissertation of Karen Johansen-Karman (2008) on ‘Rethinking Islamic Jurisprudence for Muslims in Europe’, the work of Herman Beck and Gerard Wiegers (2008) on ‘Muslims living in the West’, Jörg Schlabach’s (2009) dissertation on ‘*Sharī’a* in the West’, Andrew March’s (2009) article on sources of moral obligations towards non-Muslims that are laid down in *fiqh al-aqalliyyāt*, Said Amrani’s (2009) BA-thesis on a specific *fatwā* the ECFR issued, and the dissertation of Alexandre Caeiro (2011) on ‘*Fatwās* for Muslims in Europe’. Most of these works can be placed within the first two categories of Van Koningsveld's categorization. They aim to map different developments within Islamic institutions, sometimes related to a specific issue or *fatwā*. The only publications based on an empirical study, and therefore belonging to the third category of research, are those of Johansen-Karman, who interviewed members of different *fatwā* councils, and Said Amrani, who interviewed Dutch imams on their opinion about a specific *fatwā* of the ECFR. It is also in the last category that this current thesis will contribute to the corpus of existing literature, by making a first attempt to study the influence of the ECFR within the pastoral practice of imams in the Netherlands.
In the nineteenth century, the hegemony of the West and the political and economic weakness of Muslim countries had put a lot of pressure on Islamic social and legal institutions to reform. In order to accommodate to Western values, but even more to strengthen the Islamic religion in this period of change, the foundations of religious authority were in need of reexamination and reinterpretation. However, this trend of reform did not exclusively start because of these factors, for already in the eighteenth century the experiences of moral and social decay led to the emergence of early reform movements (Brown, 1996, 21).

During this time, the decay was blamed to processes of innovation, bid’a, and uncritical imitation of the classical law books, taqlīd. The solution suggested by the reformists was a reinterpretation of the Sunna, the normative example of the prophet. Islamic scholars should return to the original sources of Islam and regard their own conclusions, reached in light of eighteenth century circumstances, as the new standard. In this way the reformists encouraged the practice of ijtihād, i.e. making a decision based on personal effort, and ‘re-opened the gate’9 to this means of decision-making that was commonly used by the classical jurists (Brown, 1996, 22-27).

As mentioned before, the processes of renewal that started in the eighteenth century were continued in the nineteenth century when not only the internal decay, but also external developments like colonization and influences of Westernization, led to the need of reinterpreting Islamic Tradition, ḥadīth. Within this period, the salafiyya movement gained its influence. This movement attempted to return to the Islamic religion as it existed during the life of the prophet. They did this by following the first generations of Muslims (living in the first three centuries of Islam), the salaf-al-ṣāliḥ, from which also the name of the movement is derived (with salaf meaning ‘predecessor’) (Brown, 1996, 27-32). Their fundamental assumption is that of the universal character of Islam, of Islam

---

9 Since the tenth century CE, the practice of ijtihād has been restricted. From that time on, scholars were expected to rule according to the opinions established by earlier scholars and institutions. Abandoning the use of ijtihād is often referred to as ‘closing the gate of ijtihād’. (Alwānī, 2005, 120-123; Fishman, 2006, 8) However, there are scholars who doubt the fact that the ‘gate of ijtihād’ has ever been closed. Among them is Wael B. Hallaq who concludes his article on this subject by saying that ijtihād is a duty existing at the core of the Islamic law and the ‘gates’ therefore could never be closed. (Hallaq, 1995)
as a world religion that is suitable for all people, all times and all cultural conditions (Adams, 1933, B).

In the current chapter of this thesis, the reforms suggested by the *salafiyya* movement in the nineteenth century will be discussed according to the contributions (chronologically) made by its most important adherents: Sayyid Jamāl al-Dīn al-Afghānī, Muḥammad ʿAbduh and Muḥammad Rashid Rīḍā. In the final paragraph of this chapter, ʿAbduh and Rīḍā’s application of their renewed methods will be discussed according to some of the *fatwās* they issued related to the lives of Muslim minorities.

1.1 Sayyid Jamāl al-Dīn al-Afghānī

Sayyid Jamāl al-Dīn al-Afghānī (1838-1897) was born in Iran and received a Shiʿite education. In his later studies, he mainly focused on Islamic philosophy, a field of study that proved to be useful in his later reformist thought. In 1857, al-Afghānī traveled to India where he, for the first time, was confronted with the British occupation of the country and he started to develop a hostile attitude against the West (Keddie, 2005, 13-15). From this point on, according to Hourani, al-Afghānī’s life is characterized by a combination of religious feelings, nationalist feelings and a radical attitude towards Europe (Hourani, 2008, 108).

In 1871, he travelled to Cairo and became the unofficial teacher of a group of young men, among who also Muḥammad ʿAbduh, who played an important role in Egypt. Within his line of thought, al-Afghānī taught them about true Islam and warned them for the danger of European intervention in the Islamic world. The problems caused by the presence of Western thought should be countered by establishing a national unity, but also, and probably most important, by establishing a broader unity of Islamic people or a ‘pan-Islamic unity’ (Hourani, 2008, 109) that is related to the emphasis on Islam’s universal character. He suggested that elite and masses should unite against the Western, and especially Christian, domination. This way of thinking about elite and masses, is a distinction al-Afghānī derived from his studies in philosophy (Keddie, 2005, 14; 17). Another philosophical element he used and applied in his teachings in Cairo was the use of reason to interpret and apply revelation (Keddie, 2005, 17).

In one of his lectures, al-Afghānī stated that ‘the Islamic religion is the closest of religions to science and knowledge and there is no incompatibility between science and knowledge and the foundation of Islamic faith’. (Afghānī, n.d., 15) He pleaded for the creation of harmony between the truths revealed by Islam and the conclusions reached by
human reason. This harmony was one of the main goals to reach in the reformation of Islamic thought and could only be created by Islamic scholars, ‘ulamā’, who had sufficient knowledge of Arabic, a ‘sound mind’ and knowledge of the traditions of the salaf. Al-Afghānī emphasized that the ‘doors of ījtihād’ were not closed and that it was a duty for the ‘ulamā’ to apply Qur’ānic principles to solve the problems of their time. (Hourani, 2008, 125; 127) From 1884 on, he started to spread this ideas on reformism and the pan-Islamic unity of the Muslim community in a magazine called al-urwa al-wuthqa, i.e. ‘the strongest link’, that he published in Paris together with Muḥammad ‘Abduh (Hourani, 2008, 109; Keddie, 2005, 19).

So, al-Afghānī noticed the weakness of Islamic countries to be in contrast with the hegemony of European countries. The solution he offered to strengthen the Muslims was the creation of a unity in the Muslim community by interpreting the traditional sources of Islam in light of the circumstances that emerged with the influence of Western thought and power in the Islamic world. He encouraged the ‘ulamā’ to trust upon their personal effort in harmonizing revelation and reason and to secure the revival of Islam in a period of change and decay.

1.2 Muḥammad ‘Abduh

In the previous paragraph, Muḥammad ‘Abduh (1849-1905) has been mentioned as, firstly, a student of al-Afghānī in Cairo between 1871 and 1879 and secondly as the person who worked on the magazine ‘the strongest link’ together with him. Al-Afghānī influenced and encouraged him to develop his own system of Islamic reformism, and ‘Abduh did (Keddie, 2005, 26).

‘Abduh’s wish to reform was first of all based on his experiences with the inner decay in Egyptian society. These experiences already occurred during the period he received his education, first at the Tanta mosque, later at al-Azhar university. He experience a stagnation in Egyptian religious schools, mainly because of its focus on memorizing the Qur’ān instead of understanding it. Especially in a time characterized by social change, emphasis should be on understanding the religious sources in order to counter stagnation, he thought. ‘Abduh therefore decided to broaden his knowledge and studied philosophy and social and political sciences and became a teacher in 1878. He also became the chief editor of a government magazine called al-waqā‘i al-miṣriyya and used this function to influence and shape public opinion. In 1882, ‘Abduh was sent into exile and during that period, he started teaching in Beirut and went to Paris where he worked.
together with al-Afghānī. A number of ‘Abduh’s lectures were collected by him and published within the theological work Risālat al-Tawḥīd. After his return to Egypt in 1888, ‘Abduh became a judge, a position in which he did not have a direct influence on the people of Egypt, but was able to improve the legal system. In 1899, he became the Muftī of Egypt and was allowed to issue fatwās based on his reinterpretation of Islamic law in accordance with the needs of that age (Bahay, 1936, 14-26; Haddad, 2005, 31-33; Hourani, 2008, 130-135).

According to al-Bahay, ‘Abduh’s efforts of reform were given in by three motives, the first one being his experiences of living under the occupation of a foreign ruler, secondly his experiences with stagnation in Egyptian religious education and thirdly, his contact and cooperation with al-Afghānī (Bahay, 1936, 13-20). ‘Abduh emphasized the inner decay of Egyptian society and the need of an inner revival to restore it (Hourani, 2008, 136). The inner decay and ‘backwardness’ of Egyptian society could be blamed to internal divisions within the community, the loss of the caliphate, the division of the Muslim community (umma) in nation-states and finally, the ignorance and misunderstanding of faith (Haddad, 2005, 36). The confidence of the Egyptian people in Islam should be restored, because, as Haddad mentions, ‘what ‘Abduh could not accept, and spent a lifetime arguing against, was the critique that this backwardness was due to the religion of Islam itself and its inability to adapt to the modern world’ (Haddad, 2005, 44). His task therefore was to restate what Islam really was and to consider its implications for modern society (Hourani, 2008, 140).

‘Abduh’s most important means to restore the status of religion was by emphasizing the universal character of the Qur’ān. He regarded it a complete and comprehensive revelation that should be interpreted by the use of reason and reflection (Haddad, 2005, 46-47). He rejected the imitation of classical legal legacy, taqlīd, and, like al-Afghānī, pleaded for the return of ijtihād to acknowledge one’s own understanding (Bahay, 1936, 83-84; Haddad, 2005, 36; Hourani, 2008, 147). In this individual interpretation, there should be a careful analysis of the consulted texts, the salaf should be identified and reason should be used to confirm the divine message of the Qur’ān (Haddad, 2005, 36; Hourani, 2008, 146). Haddad states that ‘Abduh opted for a ‘Qur’ān-centered life to replace tradition’ (Haddad, 2005, 49), a view also expressed by al-Bahay. He quotes ‘Abduh saying: ‘I call therefore to derive the knowledge of religion from its original sources’ (Bahay, 1936, 85). In his thinking, ‘Abduh tried to return to historical Islam, the religion of his predecessors, to identify the circumstances they lived in and on which the Qur’ān is based (Bahay, 1936, 85-87). This effort should also be undertaken by other ‘ulamā’ in the nineteenth century, according to ‘Abduh. These scholars should interpret
the Qur’ān according to the circumstances at the time of revelation. To be able to do this, the ‘ulamāʾ should be proficient in the Arabic language, but should also be familiar with the situation and circumstances people in the contemporary time are living in (Haddad, 2005, 48).

Only by reinterpreting the Qur’ān and by regarding Islam a rational religion, this religion will be able to ones more become the basis of moral life in the modern world and counter the influence of the West and the (inner) decay of Egyptian society, according to ‘Abduh. The compatibility of Islam with modern (Western) life is also shown by ‘Abduh’s efforts to identify Islamic concepts with the dominant concepts in modern Europe. He drew parallels between the concept of maṣlaḥa (public interest) and European ‘utility’, between shūrā (consultation) and parliamentary democracy and between ijmāʾ (consensus) and public opinion (Hourani, 2008, 144). These concepts should mainly be applied when dealing with the muʿāmalāt, the guidelines on the mutual relation between human beings. These rulings should be adapted in times of changing circumstances, unlike the ‘ibadāt, the acts of worshipping God, that are characterized by their fixed character (Hourani, 2008, 148).

1.3 Muḥammad Rashīd Riḍā

The third reformist scholar thinking in line with al-Afghānī and ‘Abduh, was Muḥammad Rashīd Riḍā (1865-1935). He was born near Tripoli and received his primary education at the local Qur’ānic school. In his later studies, he specialized in the Islamic religion and the Arabic language. In 1894, Muhammad ‘Abduh visited Tripoli and Riḍā became inspired by him. He became his ‘spiritual heir’ and as a student of ‘Abduh, he has been responsible for writing down his biography (Bahay, 1936, 7; Hourani, 2008, 222-226).

Like ‘Abduh, Riḍā noticed that Muslims lost trust in their original religion. Unlike the Europeans, who needed to go through a process of secularization to establish unity and loyalty, Riḍā thought that Muslims could find these elements in the Islamic religion itself. He blamed human misery to the diversity of social elements (e.g. creeds, languages, rulings and governments) and regarded Islam as the universal solution that could contribute to the creation of a ‘religious citizenship’ in which one law would be enforced to overcome all differences in nationality and race (Ryad, 2009, 245). So, religion, and especially the religious truth, could unite the umma, but in order to do this, true Islam should first be identified by deriving it from the prophetic teachings.
Riḍā, like ‘Abduh, refers to the religion of the salaf as being the true religion (Hourani, 2008, 228-230). In a speech - translated in English by Charles Kurzman - called ‘Renewal, Renewing and Renewers’, Riḍā has said the following about the need for renewal in religion:

‘The renewal of religion means renewing its guidance, clarifying its truth and certitude, refuting the innovations and extremism that its followers accrue, or their reluctance in upholding it and following its rules in managing the interests of humans and the law of society and civilization. [...] This is the meaning of renewal and renewing, and it leads us [to conclude] that both the new and the old have their place, and it is a matter of ignorance to prefer one over the other in absolute terms.’ (Riḍā, n.d., 81)

This statement shows that Riḍā supports the creation of a balance between the old and the new, the ancient and the modern. He wants to base the renewal of religion on the consensus reached by the first generation of Muslims, and uses the principle of maṣlaḥa to reach conclusions that are in accordance with contemporary circumstances. To him, it is the duty of the ‘ulamā’ to fulfill this task, with the consensus, ijmā’, of the ‘ulamā’ resembling a parliamentary process (a parallel also drawn by ‘Abduh) (Hourani, 2008, 234). In defending his opinion on the need of a perpetual movement of renovation and reformation of religion, Riḍā quotes a hadīth saying that ‘God sends to this nation at the beginning of every century someone who renews its religion’ (In: Riḍā, n.d., 81). To him, this hadīth considers renewal a collective duty of Islam that should be fulfilled by the practice of ijtihād, by uniting the Muslims umma, the revival of the Arabic language and the spread of education and socialization (Riḍā, n.d., 84).

Enayat summarizes Riḍā’s opinions on Islamic reformism by saying that he ‘attacked fossilized jurisconsults, praised modern science and technology and pleaded for a revival of ijtihād’. By doing this, both ‘Abduh and Riḍā played an important role in shaping the attitudes of the Egyptians towards modernity, especially by means of the fatwās they issued (Enayat, 2005, 76). ‘Abduh within his function as the Muftī of Egypt and Riḍā in his periodical al-Manār (the lighthouse) which he published from 1897 onwards. It was in their fatwās that they provided a practical application of their reformist thought that could be adopted by everyone who felt addressed by it.
1.4 ‘Abduh’s and Riḍā’s fatwās: combining the old and the new

As mentioned above, it were the fatwās issued by ‘Abduh and Riḍā that passed on their reformist thought to the Muslim community. It is therefore interesting to take a look at some of these fatwās and the way in which both scholars tried to combine and reconcile the ‘old’ and the ‘new’ in them. In his article on Sunnite discussions on male head-gear in Islam, Van Koningsveld refers to ‘Abduh as being an example of the ‘liberalist and reformist’ point of view. Discussions on male head-gear first became an issue in the 1860s, a period in which Muslim students decided to go to Europe for further education. Students that had gone to Paris were confronted with questions on the permission of eating meat prepared by French butchers and the permission of replacing traditional Islamic head-gear by the ‘French hat’. Their questions were answered by al-Hara’iri, who issued his fatwā in 1862 saying that there were practical reasons to wear this French hat, like the fact that France is a cold country. He stressed that the cultural or social assimilation of these students to French customs would not lead to apostasy, as long as they did not assimilate to their religion. The same line of thinking was presented by ‘Abduh, who answered a similar question concerning the permission for Muslims in South Africa to wear the local traditional head gear. ‘Abduh stated that the intention of this Muslims was the most important. When they only wore it because of practical reasons and not because they intended to apostatize from Islam, wearing this ‘Christian hat’ was permitted (Koningsveld, 1995, 329-332).

As mentioned before, Rashid Riḍā published his fatwās in the magazine al-Manār, between 1898 and 1935, alongside his other thoughts on the renewal of Islam. A number of his fatwās dealt with the situation of Muslim minorities, mainly because of the fact that these minorities, more than the majority, experienced changing circumstances that did no longer correlate to the situation addressed in traditional Islamic prescriptions. Riḍā also responded to the fatwā issued by ‘Abduh on male head-gear in South Africa. He defended this fatwā and published it in al-Manār. In his defense, he referred to a hadith mentioning a similar situation, and to the fact that assimilation in worldly affairs and habits does not endanger religion. He also referred to the way the salaf thought about the People of the Book, i.e. Christians and Jews (Ryad, 2009, 254-259). In issuing and defending a fatwā like this, both ‘Abduh and Riḍā have shown the application of their reformist thought. First of all, they studied the sources of Islam on apostasy and imitation of ‘the other’. After this, they studied the circumstances in contemporary society and based on this knowledge, they eventually concluded that the religious ruling only forbade assimilation in case of religion and not in case of customs and habits. So, from the ‘old’, the sources of Islam – and
especially the intention of these sources – and the traditions of the *salaf*, they selected statements that were related to the problem under discussion, and among the ‘new’ they studied the specific situation a certain group of Muslims was living in before providing an answer. Only by studying both sides, according to the *salafiyyya* methodology, a balanced decision can be made.

In a similar way, Riḍā issued *fatwās* regarding Russian Muslims taking part in the Russian army (and therefore being loyal to the Russian government), Tunisian Muslims becoming French citizens, Muslims engaged in financial transactions with Christians and Muslim men marrying Christian women. According to Umar Ryad, all these *fatwās* are useful to understand Riḍā’s way of thinking about Muslim minorities and the adaptation of Islamic normativity. According to him, the collection of *fatwās* found in *al-Manār* can be regarded a ‘prelude to *fiqh al-aqalliyyāt*’ (Ryad, 2009, 239-266), a project concerning the development of a special jurisprudence for Muslim minorities in the late twentieth century, that will be discussed in the next chapter of this thesis.
In 2003, the English translation of Ṭāhā Jābir al-ʿAlwānī’s paper on *fiqh al-aqalliyyāt*, the jurisprudence for Muslim minorities, was published. In this paper, he criticizes the existing, inherited *fiqh*, as it does not take contemporary circumstances into account, and argues for a *fiqh* for minorities to be developed. He provides the following definition of his idea of *fiqh al-aqalliyyāt*:

‘*Fiqh for minorities*’ is a specific discipline which takes into account the relationship between the religious rulings and the conditions of the community and the location where it exists. It is a *fiqh* that applies to a specific group of people living under particular conditions with special needs.’ (ʿAlwānī, 2003, 3)

The creation of the discourse of *fiqh al-aqalliyyāt* can be regarded a continuation of the reform projects started in the nineteenth century (according to: Beck & Wiegers, 2008, 33; Caeiro, 2010a, 12; Fishman, 2006, 7; Schlabach, 2009, 95-96). It is also part of a reformation movement specifically focused on Muslim minorities that started in the 1980s. In that period, the number of Muslims living in non-Muslim countries in the West was unprecedented and the first attempts had been made to create a balance between integrating in Western society and living an Islamic life according to *sharīʿa*. With Muslims voluntarily migrating to the West, the validity of the classical dichotomy between *dār al-islām* and *dār al-ḥarb* was a central subject in scholarly discussions. In 1989, Rashīd al-Ghannushi mentioned that in his view, France had become *dār al-islām* and ʿAbd al-ʿAzīz Ibn al-Siddīq described both Europe and America as *dār al-islām* because of the amount of

---

10 This dichotomy made between *dār al-Islām* (the abode of Islam) and *dār al-ḥarb* (the abode of war) represents a classical Islamic view in which it is thought that Muslim can only live a just, Islamic life in *dār al-islām*, i.e. Islamic territory characterized by the application of *sharīʿa* law. The dichotomy - and especially the dominant view that ‘Muslims must leave (*hijra*) or confront (*jihād*) un-Islamic society (*dār al-ḥarb* [land of war] or *dār al-kufr* [land of unbelief]) and reside in *dār al-Islām*’ (In: Eickelman & Piscatori, p. 144) - gained a central position in a large amount of discussions that took place from the early moment that Muslim minorities started living outside Islamic territory onwards. (For an extended discussion of this early debates, consult: Abou El Fadl, 1994a; 1994b)
Muslims living in these countries. During a seminar in 1992, in which transnational Islamic scholars participated, the decision was made to stop categorizing the countries in which Muslim minorities are living as ḍār al-ḥarb. Instead, Faysal al-Mawlawi suggested to start referring to these countries as ḍār al-daʿwa, the abode of mission. His emphasis on the element of daʿwa is related to his adherence of the Muslim Brotherhood\(^{11}\) and has been adopted by multiple Islamic scholars to allow the permanent residence of Muslim in the West, as long as their religion and (religious) identity is protected (Maréchal, 2008, 265; Schlabach, 2009, 63-65; Koningsveld & Shadid, 97).

It was in this context that in the middle of the 1990s the discussions on the classical dichotomy started to make place for al-ʿAlwānī and Yusūf al-Qaraḍāwī to introduce a new discourse, fiqh al-aqalliyyāt, that dealt with the specific problems that Muslim minorities experienced. The way in which they reinterpreted the traditional sources of Islam in this context, is closely connected to their general view on the need to reform Islamic thought.

2.1 Reforming Islamic thought: al-ʿAlwānī's Islamization of knowledge

Ṭāhā Jābir al-ʿAlwānī was born in Iraq in 1935. During his studies, he specialized in the Islamic legal methodology and qualified as a jurist and studied the sources of Islamic jurisprudence. In 1985, he migrated to the United States of America and became the president of the International Institute of Islamic Thought (IIIT). His open attitude to the non-Islamic American society and wish to create ‘identity institutions’ for Muslims living in the West represents his effort to establish a universal Islam and formed the basis upon which he founded the Fiqh Council of North America (FCNA) in 1988 and became an

\(^{11}\) The Muslim Brotherhood, al-ikhwan al-muslimūn, was established in the early twentieth century and challenged the institutional and traditional Islamic authorities during the period of colonialism. At the one hand they wanted to increase the value of Islamic faith and at the other hand they aimed a social reform in which Islam is regarded a ‘complete way of life’. The Muslim Brotherhood regards itself as being the inheritor of salafiyya reformism and emphasizes daʿwa (Maréchal, 2008, 1; 20-21). Maréchal summarizes this function as follows: ‘the religious message was presented, and preaching concentrated on the importance of daily religious practice, in order that the consciousness of Muslims in relation to their Muslim identity might be revived, and in order that Muslim populations might be made dynamic once again, populations that had been affected by what was perceived as a period of decadence’ (Maréchal, 2008, 20).
authority for Muslims living in non-Islamic countries (Fishman, 2006, 2; Schlabach, 2009, 133).

Fishman calls it the ‘uniqueness of al-‘Alwānī’s enterprise’ that he has not only initiated institutions like the FCNA, but also created the doctrinal basis upon which they could formulate their legal and religious opinions (Fishman, 2003, 3). This doctrinal basis has been the result of his reformist thinking that can be regarded a continuation of projects started by al-Afghānī, ‘Abduh and Ri ā. But, al-‘Alwānī states that these former reformers partly failed in their attempts to reform because their efforts did not encompass all causes underlying the crisis the Muslims world was in (‘Alwānī, 2006, 3). True renewal not only lies in renewing the legacy of the forefathers, he says, or in banishing Western thought, but:

‘true renewal derives its substance from the reconstruction of its connection with the Book of God in its capacity as the sole creative source – together with the cosmos – of thought, knowledge, creed, law and method.’

(‘Alwānī, 2006, 7)

And the most important means that can be used to do this, is the Islamization of knowledge. By this, al-‘Alwānī refers to:

‘a cultural and intellectual project aspiring to correct the process of thinking within the Muslim mind so that it can produce Islamic, social and humanistic knowledge based on the two sources Muslims accept as the established sources for knowing the truth: wahy (Divine revelation) and wujūd (existence).’

(‘Alwānī, 2005, 21)

It is a way of dealing with both (Islamic) revelation and the characteristics of contemporary (Western) society as the basis upon which a balance can be created between integration and the development of religious consciousness (Schlabach, 2009, 134). By promoting the Islamization of knowledge, al-‘Alwānī focuses mainly on the theoretical and methodological aspects of Islam and Islamic jurisprudence. The most important foundations are the Qur’ān and Sunna as both sources of thought, knowledge and civilization. Based on them, the Islamization of knowledge has provided methods of dealing with Islamic legacy on the one hand, and contemporary human legacy on the other hand (‘Alwānī, 2006, 18). The final result of this project will be the formulation of:
'a refined Islamic discourse whose contents is scientific, whose method is clear, whose style is lucid and flowing, and which is capable of both making individual Muslims aware of the intellectual crisis which they face and of presenting the ways in which they can overcome the crisis.' (‘Alwānī, 2006, 59)

The effort of this 'combined reading' of Qurʾān and social context can only be undertaken by a group of scholars, preferably those in the field of social and religious studies. During the debates within this group, the religious scholars can pass on their knowledge of the shariʿa to social scientists and the social scientists can clarify the various dimensions of moderns social studies to the religious scholars (‘Alwānī, 2003, 36). Based on the outcome of these debates, religious scholars can become engaged in a process of collective ijtihād which leads to conclusions that should replace the Muslims’ orientation on traditional schools of thought, madhhabs (Schlabach, 2009, 68). It can be noticed that the process of using ijtihād and 'opening the door' to it, has also been mentioned by reformist thinkers like Muḥammad ‘Abduh and Rashīd Riḍā, but according al-ʿAlwānī the effort of ijtihād should only be undertaken in relation to the Qurʾān, and not to establish a reinterpretation of classical legal legacy like these reformers suggested (‘Alwānī, 2006, 20-22; 35). Muslims’ emphasis on taqlīd, the imitation and (re)implementation of classical fiqh, should not be countered by a reinterpretation of this fiqh, but by reinterpreting the Qurʾānic principles themselves. Only then, Muslims will be able to read the Qurʾān like it has been revealed especially for them and their own circumstances (‘Alwānī, 2006, 6) and they will be provided with a means to 'recover their identity and reestablish their place in world civilization' (‘Alwānī, 2005, 65-67).

2.2 Islamic awakening in the thought of al-Qaraḍāwī

In contrast to the theoretical and methodological approach of reformation that al-ʿAlwānī defends, Yusūf al-Qaraḍāwī can be regarded the more pragmatic of the two12. He was born in Egypt in 1926 and according to Bettina Gräf and Jakob Skovgaard-Petersen, four biographical elements can be distinguished in his life: his education within the al-Azhar

---

12 According to Zaynab ‘Alwānī, the more pragmatic solutions and descriptions that al-Qaraḍāwī offers, might have contributed to the fact that he is more famous and regarded a higher authority than Ṭāḥā Jābir al-ʿAlwānī (‘Alwānī, 2011).
university in Cairo, his commitment to the Muslim Brotherhood, his life in Qatar and finally his media activities. The different stages in his life and the activities connected to them, make al-Qaraḍāwī the best-known contemporary representative of Sunnite Islam and an authority for Muslims living both in- and outside the Islamic world (Gräf & Skovgaard-Petersen, 2008, 1-4; Schlabach, 2009, 99-100).

Al-Qaraḍāwī’s contribution to the tradition of reformism starts with his view on the Islamic awakening (Qaraḍāwī, 2001, 187-188). With this, he refers to a process in which Muslims become aware of their identity and the fact that they became alienated from Islam. The solution that Islam offers Muslims, is following the shari’a to return to their religious lives. In accordance with al-‘Alwānī’s suggestions, al-Qaraḍāwī also thinks that in contemporary situations, the whole Islamic legacy should be reinterpreted and the positions of the different schools of thought, madhhabs, should be reconciled by the use of ijtihād. According to Schlabach, al-Qaraḍāwī uses a selective ijtihād by means of tarjih (choosing the most trustworthy position out of many) and talfiq (selecting decisions from the different madhhabs) (Schlabach, 2009, 102). This means that, unlike al-‘Alwānī, al-Qaraḍāwī does take the classical legal legacy into account and in that way he resembles the method used by the nineteenth century reformers.

Despite the differences in their theoretical way of thinking about an Islamic reformation and the methods that should be developed, both al-‘Alwānī and al-Qaraḍāwī are concerned with the lives of Muslim minorities in the West and regard them a specific group of people in need of a specific jurisprudence that enables them to practice Islam in the Western context (Alwānī, 2003, 3; Qaraḍāwī, 2001, 189-194). To them, the minorities are representative role models and examples of ‘being a Muslim’ in the societies in which they live and that is why they have to be protected (Alwānī, 2003, 3-4; Qaraḍāwī, 2001, 188; 198). The fiqh for minorities that they present, based on their newly developed methodology, will be able to offer this protection by dealing with the circumstances in which Western Muslims live and by offering solutions to the problems that emerge in relation to these circumstances.

The following paragraphs will discuss the different elements related to fiqh al-aqalliyyāt, starting with the way in which al-‘Alwānī and al-Qaraḍāwī define Muslim minorities in the West and the function they ascribe to them.
2.3  *Fiqh al-aqalliyyāt: the role of Muslim minorities in the West*

The definition of ‘minorities’ that al-Alwānī provides at the start of his first publication on *fiqh al-aqalliyyāt*, refers to ‘minority’ as a political term describing:

‘a group or groups of state subjects of a racial, lingual or religious affiliation different from that of the majority population.’ (Alwānī, 2003, 2)

Al-Qaraḍāwī uses a more general approach and extents this definition of ‘minorities’ to:

‘every group of human beings living in a country, that distinguishes itself from the majority of people on the base of religion, belonging to a certain school of thought, descent, language or something else related to the basis upon which people distinguish themselves.’ (Qaraḍāwī, 2001, 180)

The religious minority is often the most visible minority, according to al-Qaraḍāwī, and lives in a position of weakness against the (political) power of the majority. In the context of this relationship of power, al-Qaraḍāwī distinguishes two groups: Muslim minorities living in former Islamic countries taken over by non-Islamic leadership (i.e. often involuntarily, like in the case of colonialism), and Muslim migrants who voluntarily gained legal citizenship in a non-Islamic country for the purpose of study or labor. Muslims living in Eastern Europe mainly belong to the first category, while the second group mainly consists of Muslims living in the West (Qaraḍāwī, 2001, 182).

The transition that these Muslims went through and the impact the new circumstances had on them, has started a process in which the Muslim minorities are trying to come to terms with their (religious) identity. This process is part of the larger process of Islamic awakening discussed above (Qaraḍāwī, 2001, 180-182). It also resembles al-‘Alwānī’s view that especially after September 11th 2001, Muslims have woken up in a new reality in which they have to turn towards learning about Islam from its original sources to deal with the large number of misunderstandings concerning the Islamic religion and identity (Alwānī, 2003, XVIII). In the case of the Islamic awakening among Muslim minorities, al-Qaraḍāwī describes different phases they go through and that will eventually lead to their integration in Western society. In the first phase, the minorities become conscious of their (religious) identity and this will be followed by phases of (social) movement, gatherings and institutionalization. The establishment of mosques and schools enables the Muslim minorities to settle in Western society and to use
this religious basis to start a positive interaction with the surrounding society (Qaraḍāwī, 2001, 188). Going through these stages will enable the Muslims to emphasize the universal message of Islam and to spread this message, and to al-Qaraḍāwī that is what the ultimate purpose of Islamic awakening should be (Caeiro & Saify, 2008, 112-114).

Despite their different approaches to Islamic reformation or ‘awakening’, both al-‘Alwānī and al-Qaraḍāwī agree on the need for Muslim minorities in the West to be an example, a model community representing Islam. It is their duty to establish the Islamic presence in the West and to perform da’wa, albeit a ‘silent da’wa’ (Schlabach, 2009, 138). The circumstances in which they live, however, differ from those in Islamic countries and different problems and questions will arise. On a superficial level these are questions concerning permitted food, the dates of Islamic holidays and interreligious marriages. On a deeper level, Muslims question their religious identity, their connection to the global umma and the future of Islam outside the Islamic heartlands (Alwānī, 2003, 6; Fishman, 2006, 3). It is because of these questions that Muslim minorities are in need of a specific fiqh that will provide answers concerning their specific situation. This fiqh should be seen as:

‘a form of religious guidance that helps minorities to live in harmony with their religious identity and ensures that they live according to Islam without being isolated from the surrounding society.’ (Johansen-Karman, 2008, 46)

2.4 Fiqh al-aqalliyyāt: aims and central themes

In 2001, al-Qaraḍāwī published his work fi fiqh al-aqalliyyāt al-muslima, ‘on a science of religious jurisprudence for Muslim minorities’. In line with his pragmatic thinking, in this work he provides a structured overview of the practical questions concerning Muslim minorities. In line with the questions mentioned above, he states that the legal problems occur in political, social, economic and cultural spheres and deal with defining the border between integration and assimilation. Similar to the debates that started in the 1980s, the first problem that Muslim minorities deal with is the question of residence. Are they allowed to permanently reside in the West, i.e. the abode of unbelief? And does obtaining legal citizenship change their religious identity? On a social level, Muslim minorities deal with questions concerning (interreligious) relationships, marriage and divorce, and
participating in a society's specific customs. And in the economic sphere there are questions on mortgages, interest and labor (Qaraḍāwī, 2001, 189-194).

It is on this practical level that the fiqh for minorities will offer a solution. It aims leniency, because being a Muslim should not be difficult or cause problems. Muslims should be supported in maintaining their Islamic identity and in transmitting the universal message of Islam. This support should come from a flexible way of dealing with Islam and in finding a balance between Islam and political, social and economic circumstances. A fiqh for minorities can provide this balance by taking into account both the universality of Islam and the particularity of society, and more specifically by interpreting the sources of shari‘a in relation to these circumstances and the general goals of Islam (Qaraḍāwī, 2001, 200-203). Al-Qaraḍāwī points to the Qur‘ān as the main source of legislation and jurisprudence. The Sunna should be understood in light of the Qur‘ān and it is up to the jurists to distinguish between the general and specific passages and to decide which passages are not time bound and can be used for legislation (Qaraḍāwī, 2001, 204).

In line with his general thought on Islamic reformation, al-‘Alwānī also calls for a review of the relationship between the Qur‘ān and the Sunna to make sure the Sunna does not overrule the Qur‘ān and maintains its position as providing an example of the application of the Qur‘ānic prescriptions in the prophet’s life (Alwānī, 2003, 19; 2006, 35). Within the fiqh for minorities, the Qur‘ān should be the main source, because:

‘humanity is in greater need of the Qur‘ān’s guidance than ever before; a book which encompasses all time and space and the nature of mean. It deals with all issues and offers solutions and answers to all questions.’
(Alwānī, 2003, 19)

Some methodological principles that should be taken into account, according to al-Alwānī, are the structural unity of the Qur‘ān, the universality of the Qur‘ānic mission and the supremacy of the Qur‘ān as a judge over all else. The Qur‘ān is complete and every scholar can turn to the Qur‘ān for answers. The Sunna can be used to understand the context of the revelation to be able to find a connection between the text and the current situations (Alwānī, 2003, 20-22).

Within a jurisprudence for minorities, other principles, not articulated in the classical legislation, should be taken into account. As al-Qaraḍāwī mentioned before, one of the aims of fiqh al-aqalliyāt is to provide leniency, taysīr, and facilitate the lives of Muslim minorities. He points to the fact that even the generation of the prophet’s companions chose leniency over strictness and especially for contemporary Muslims
living in a position of weakness, this would be the right way to act (Fishman, 2006, 10; Qaraḍāwī, 2001, 216-219).

By taking into account the specific times and places in which Muslims live, jurists should additionally look at the larger public interest, maṣlaḥa, a concept also used by the early salafiyya reformers. It is this concept that enables jurists to provide a new interpretation of the sources in light of the general public interest, in case the application of reasoning by analogy would lead to ‘undesirable results’ (Schacht, 1964, 60-61). Within maṣlaḥa, three categories can be distinguished: necessity (darūra), needs (hajah) and improvements (taḥsinat). The first category of darūra can in specific cases of necessity or emergency overrule the need to act according to Qur’ānic prescriptions (Fishman, 2006, 9). This can, for example, be the case in relation to consuming forbidden (ḥarām) food in a situation in which no permissible food is available. In that case, the necessity to eat and stay alive overrules the Qur’ānic prohibitions.

To al-Qaraḍāwī, taking into account these concepts in relation to the situation that Muslim minorities are living in, will enable jurists to come up with new advices (Qaraḍāwī, 2001, 225). Finding a balance between the situation, the needs of the community and the Qur’ānic prescriptions, is exactly what al-’Alwānī referred to with his ‘combined reading’ of revelation and the real, dynamic world. In case of fiqh al-aqalliyyāt this is:

‘a reading of Revelation for an understanding of the physical world and its laws and principles, and a reading of the physical world to appreciate and recognize the value of Revelation.’ (Alwānī, 2003, 15)

This new understanding of revelation depends on the use of (collective) ijtihād (Alwānī, 2003, 13-14; Fishman, 2004, 8; 18). Also al-Qaraḍāwī regards it a duty (to religion) and a necessity (to the situation) to use ijtihād. Contemporary problems will not be solved when Muslim continue to follow historical decisions, so jurists have to be creative and selective in deciding what is better and more convincing (Qaraḍāwī, 2001, 207). In an article on taqlid and ijtihād, al-’Alwānī describes the current developments as a ‘resuscitation of ijtihād’ in which the collective effort of scholars specialized in different areas will lead to the creation of a fiqh that takes all elements of contemporary Islam into account (In: Fishman, 2004, 19). Scholars have to:

‘deploy the techniques and tools of ijtihād in a way that is compatible with our time and the new explosion in knowledge, the sciences and means of
learning, and restore the role of sharī‘a in modern life.’ (Alwānī, 2003, 13)

2.5  *Fiqh al-aqalliyāt* within the general reformation of *uṣūl al-fiqh*

So far, al-‘Alwānī’s and al-Qaraḍāwī’s general views on the reformation of Islamic thought have been presented. With these views as a theoretical basis, they both have been engaged in the development of a discourse of *fiqh al-aqalliyāt*, a jurisprudence that takes the specific situation of Western Muslim minorities into account. They have shown that within the Islamic world in general, but more urgently among Muslim minorities, the inherited *fiqh* can no longer be applied, because it has been created within a specific period of time and in reaction to the circumstances of that time. Some of the opinions expressed by former jurists transcend the limits of history, but most are limited (Johansen-Karman, 2008, 48). Because of the time bound contents of the classical collection of jurisprudence, al-‘Alwānī ascribes it only the value of a precedent and regards it a means of gaining insight into the process of reasoning that took place among jurists in the early ages of Islam (Alwānī, 2003, 7; 2006, 48-50). With changing times and circumstances, especially in the case of Muslim minorities living in the West, there is a need to reinterpret the traditional sources of Islamic law and to create a *fiqh* that suits the situation and demands of contemporary Muslims best. In case of Muslim minorities, the *fiqh* for minorities can fulfill this function, according to al-‘Alwānī, but only when it is situated under the science of *fiqh* in its general sense. It should become one of the branches of a renewed Islamic law and jurisprudence, alongside, for example, the *fiqh* of medicine and the *fiqh* of economics (Alwānī, 2003, 3).

This statement shows that al-Alwānī, with his project of the Islamization of knowledge, aims to create a whole new science of *fiqh* that serves as an umbrella covering different branches. This is exactly the point that Zaynab ‘Alwānī, al-‘Alwānī’s daughter, tried to make during a recent conference. She said that to al-‘Alwānī, developing *fiqh al-aqalliyāt* only served as a case-study, a motivation to start his reformation of classical Islamic jurisprudence. It is one of the branches under the umbrella of *fiqh* and its development is in line with his general thoughts on the ‘Islamization of knowledge’ (Alwānī, 2011). In line with his theoretical approach, al-‘Alwānī regarded it an interesting challenge to start a process of reformation on the sources of Islamic law, the *uṣūl al-fiqh*. By reviewing Islamic tradition and studying the works of classical jurists he eventually aims to ‘obtain the original principles, the sources or *uṣūl*, from which earlier jurists derived and articulated [their *fatwās’]’ (Alwānī, 2003, 8; Alwānī, 2011). In this process, al-
'Alwānī hopes to get more insight into the sources of Islamic law and the specific methodology of interpretation that the classical jurists applied. By following their example and moving back and forth between tradition and contemporary society, a renewed discourse of fiqh could be created (Alwānī, 2003, 15; Alwānī, 2011).

In her work on minority jurisprudence, Johansen-Karman has summarized the efforts of al-‘Alwānī and al-Qaraḍāwī in defining the sources of fiqh al-aqalliyyāt as follows:

‘al-‘Alwānī argues that not only the legal legacy, but also the methodology has to be reviewed in the process of developing a fiqh al-aqalliyyāt. Al-Qaraḍāwī does not pose such a strong critique of the earlier jurists’ use of legal sources and principles but says without further explanation that ‘renewable considerations’ should be included in the sources of fiqh. He seems to disagree with some of the methods of legal reasoning found in the legal legacy, but is not in favour of developing a system of uṣūl al-fiqh al-aqalliyyāt as al-‘Alwānī advocates.’ (Johansen-Karman, 2008, 50)

The first part of this statement provides a clear explanation of the differences between al-‘Alwānī and al-Qaraḍāwī in the amount of attention they pay to a reformation of the sources of Islamic law. But the statement made in the last sentence, that al-‘Alwānī is in favor of developing a system of uṣūl al-fiqh al-aqalliyyāt seems to contradict the above mentioned discourse in which al-‘Alwānī only regards the development of a minority jurisprudence as a case study, a reason to start his process of reformation of fiqh in general. His main aim is not to create a system of uṣūl al-fiqh that is only related to minorities. Instead, he will undertake this research to provide a renewed ground upon which all future branches of fiqh can be based. Al-‘Alwānī explains the usefulness of his undertaking as follows:

‘this type of investigation and research would make this fiqh useful not only for the Muslim minorities but also for the Muslim majorities, who could apply it to their own advantage’ (Alwānī, 2003, 37)

So, his efforts for a reformation can be applied by all Muslims and seem to be part of, what Johansen-Karman calls, his ‘global rethinking of Islam’ (Johansen-Karman, 2008, 56). Not only minorities will benefit from it, the majority of Muslims often has to deal with similar problems. It is only because of the larger intensity in which these problems are
experienced, that Muslim minorities were in need for a fast and appropriate solution that deserved the immediate attention of a number of jurists (Qaraḍāwī, 2001, 176). A possible argument that can be given for the fact that Johansen-Karman, despite these statements, regards al-‘Alwānī work as aiming to create of system of ṭusūl al-fiqh al-aqalliyyāt, may be that - according to her bibliography - she did consult al-‘Alwānī’s first work on fiqh al-aqalliyyāt (published in 2003), but she did not consult his publications on the general reform of Islamic thought and the Islamization of knowledge (published in 2005 and 2006). Therefore, she was unable to put the developments of a minority jurisprudence into this framework. This is exactly the point that Zaynab ‘Alwānī tried to make while presenting a conference paper on this subject. She emphasized that al-‘Alwānī continued to develop his methodology and reformation of Islamic thought and that his first work on fiqh al-aqalliyyāt should only be regarded the starting point of his thinking (Alwānī, 2011).

Within his efforts of reform, al-‘Alwānī eventually hopes to clear the path for all Muslims to develop a jurisprudence in which the contemporary situation is taken into account. It gives contemporary jurists the possibility to come up with original interpretations instead of a reproduction of old fatwās. This will transform the field of fiqh into an open system that will continuously develop and change according to new circumstances (Alwānī, 2003, 36).

2.6 Critical responses to fiqh al-aqalliyyāt

The introduction of a specific fiqh for Muslim minorities has given rise to many critical reactions. Jörg Schlabach distinguishes between two types of reactions. First of all, there is constructive criticism coming from scholars who are themselves involved in developments similar to the fiqh al-aqalliyyāt project, but do not agree on the definitions and models used by al-‘Alwānī and al-Qaraḍāwī. The second category consists of antagonists to the project, who not only reject the models and methodology, but also do not agree on the need for a specific fiqh for minorities to be developed (Schlabach, 2009, 96).

Criticism belonging to the first category is often based on a different opinion concerning the definition of ‘minorities’ and their problems. It criticizes fiqh al-aqalliyyāt for treating the Muslim minority as sui generis, as a community in need of special adaptations that are not available to the majority. Besides that, they point to fiqh al-aqalliyyāt as a discourse that is only dealing with Muslim minorities living in the West. The solutions offered for their specific situation are not always applicable to the situation of Muslim minorities living elsewhere. It therefore does not only create a sharp division
between minorities and majorities, but also between the different minority communities (Johansen-Karman, 2008, 53-55).

A more content-wise constructive criticism to *fiqh al-aqalliyyāt* was presented by Abdullah Saeed during the annual LUCIS conference at Leiden University in 2011. He agrees with al-‘Alwānī and al-Qaraḍāwī that there is a need to reform and he also acknowledges the advantages a *fiqh* for minorities will have in protecting religious life and improving relationships with non-Muslims. But, he does not think *fiqh al-aqalliyyāt* is the right way to start this reformation. There should be a reformation of the whole Islamic jurisprudence before even talking about a *fiqh* for minorities. At this point, there seems to be a difference in methodology between Saeed and al-‘Alwānī, for al-‘Alwānī, as mentioned before, also aims a total reformation of Islamic jurisprudence, but decided to develop *fiqh al-aqalliyyāt* as a starting point (Saeed, 2011).

Two other ‘constructive critics’ that can be mentioned are Mustafa Cerić and Tareq Oubrou. Cerić has created an alternative model based on the ‘Muslim Social Contract’. In this contract certain individual and communal rights are captured and when applied in Europe, it will become the ‘abode of peace’. Oubrou introduced his model on Muslim minorities in the 1990s and called it the ‘*sharī‘a* for minorities’. His aim is to facilitate the integration of Islam and *sharī‘a* in France by making changes to the existing *sharī‘a* (Schlabach, 2008, 76-78).

The final Islamic scholar who’s constructive criticism is noteworthy to mention, is Tariq Ramadan. He questions al-‘Alwānī’s and al-Qaraḍāwī’s reference to European ‘minorities’, for their legal situation is the same as that of non-Muslim European citizens and that is why, in a legal way, they cannot be considered a minority. Ramadan does, however, agree with the two before mentioned scholars that a process of reformation and renewal of the Islamic law is necessary. But this process should be dealing with a ‘self-conscious’ rethinking of the role of *sharī‘a* and *fiqh* in the contemporary world and should not be directed from a minority point of view (Schlabach, 2008, 78-80; Beck & Wiegers, 2008, 44). Developing a *fiqh* for minorities is a ‘new and important stage’, he says, ‘but we should rethink our presence in the West more comprehensively’ (Ramadan, 2004, 53).

After having presented the first category of critics offering constructive comments, the second category consists of clear opponents of a jurisprudence for minorities. According to Jörg Schlabach, the main antagonists of *fiqh al-aqalliyyāt* are Shaykh Ibn Bāz (1910-1999) and Shaykh Uthaymīn (1925-2001): two former grand-*muftīs* of Saudi-Arabia representing a view that can be classified as traditionalist. In 1998, they published a *fatwā*-collection called *Muslim Minorities: Fatawa Regarding Muslims Living as Minorities* (Schlabach, 2009, 81-82). Martin van Bruinessen refers to this collection as being a
collection of very conservative fatwās, probably published in order to counter the possible impact of fiqh al-aqalliyyāt. He describes the two shaykhs as the ‘leading lights of the Saudi religious establishment’ (Bruinessen, 2003, 18). Antagonists like these shaykhs already differ from al-‘Alwānī and al-Qaraḍāwī in their basic thinking about minorities. They refer to non-Islamic countries as dār al-kufr (the abode of unbelief) and describe them as being in a state of jāhiliyya (ignorance) (Schlabach, 2009, 82; cf. Bāz & Uthaymīn, 1998, 16). In the ideal situation, Muslims would not reside in these countries at all and when they do, it should only be temporally in order to invite the unbelievers to Islam. The creation of a special fiqh is therefore not needed and would only encourage Muslims to permanently reside in the West instead of working on their return to the Islamic world (Bāz & Uthaymīn, 1998, 15; 18; 47; 82).
In the previous chapter, the development of a specific fiqh for minorities has been discussed. In their works on this subject, al-ʿAlwānī and al-Qaraḍāwī have explained the aims and methodology of fiqh al-aqalliyyāt and also pointed to the fact that this project can only be fulfilled by the cooperation of religious and social scholars and by a collective effort of ijtihād. The current chapter discusses the European Council for Fatwa and Research as the examples of a group of religious scholars contributing to this process and the implementation of the idea of fiqh al-aqalliyyāt. First of all, the position of this Council among other religious authorities in Europe will be discussed, followed by a discussion of their goals, the methodology they use for issuing fatwās and the audience they aim to address.

3.1 **Muftis and fatwās in contemporary Europe**

In contemporary Europe, three types of Islamic religious authorities can be distinguished. In the first place, there are the (individual) religious authorities who are living in Europe. Within this group there are scholars that have been sent to Europe by Islamic governments and scholars working independently from these governments. The second group of religious authorities consists of individual scholars and institutions living outside Europe and influencing European Muslims from a distance. Finally, there are international fatwā bodies bringing together scholars from in- and outside Europe in their efforts to do common research and practice collective ijtihād (Koningsveld, 2006, 2-4). Because of the need for a collective ijtihād to take place within the fiqh al-aqalliyyāt project, in the view of al-ʿAlwānī and al-Qaraḍāwī only this last group will be capable to contribute to the development of this jurisprudence and the ongoing movement of reformation.

In Europe, the main inter-/transnational fatwā body, is the European Council for Fatwa and Research (ECFR) that was founded in 1997 with Yusūf al-Qaraḍāwī as its president. In 2001, they discussed for the first time the possibility to determine fiqh al-aqalliyyāt the official theoretical basis for their work. In first instance, the Council’s members only agreed on the necessity to establish a collective Islamic identity and they did not agree on fiqh al-aqalliyyāt being the right theoretical basis for them to do this. Eventually, in 2004, the members of the Council collectively agreed on determining fiqh al-aqalliyyāt their official basis and started regarding their work as contributing to the
development of this *fiqh* for minorities (Schlabach, 2009, 73-75; Caeiro, 2010a, 12; Johansen-Karman, 2008, 89; 144; Fishman, 2006, 12). In the introduction to the ECFR's first collection of *fatwās*, al-Qaraḍāwī points this out once more by emphasizing that the ECFR has specialized in 'critical issues related to the *fiqh* for minorities and Muslims who live outside the Islamic world.' (ECFR, 2002, 4). In this same introduction, the goals and functions of the ECFR are described as:

‘to guide and correct the path of Islamic progress in the West, to silence the ignorant and vile voices […], to solve the problems faced by Muslims in the light of the pristine Islamic *shari‘a* […], to promote a uniform *fatwā* in Europe and to prevent controversy and intellectual conflicts regarding the respective issues wherever possible.’ (ECFR, 2002, 4)

This description refers to a controversy between the ECFR and other religious authorities and should be placed in the context of a larger ‘crisis in authority’ and ‘jurisprudential chaos’ (Abou El Fadl, 2005, 26; 29) in the Islamic world. Khaled Abou El Fadl traces the roots of this controversy and the ‘crisis in authority’ back to the age of colonialism in the eighteenth and nineteenth century, the time in which ‘Abduh and Riḍā tried to deal with the changes in the society surrounding them. In the pre-colonial age, Muslim jurists had played a ‘pivotal role’ in providing authority in Islam, but this changed when they lost their privileged position due to colonialism and the replacement of *shari‘a* by legal systems based on Western models. For Islamic jurists, there only remained a limited function and they were no longer able to influence society and politics on a large scale (Abou El Fadl, 2005, 26-36).

The way in which the jurists used to influence the different dimensions of Islamic life, was by issuing *fatwās*, i.e. legal advices that address a specific problem or question. After interpreting the textual sources and applying a certain method of interpretation upon them, the jurists were able to provide the Muslim community with an answer to their questions that represented the will of God. The jurists’ advices were not binding, because they were based on their personal *ijtihād*. This means that every jurist can come to a different conclusion and it is therefore up to the individual Muslim to accept or reject the *fatwā* (Abou El Fadl, 2005, 28-29).

Due to, amongst others, the before mentioned period of colonialism, the process of *iftā‘* (issuing *fatwās*) has undergone changes in the course of history. It is no longer exclusively a task of individual jurists, *muftīs*, but became institutionalized and connected to public authorities (Johansen-Karman, 2008, 24). Since jurists lost their privileged
position in society, the place of shari’ā was also compromised. The muftīs became religious advisors, with only a limited function in society. This whole process led to a ‘vacuum of authority in modern Islam’ (Abou El Fadl, 2005, 35-37). ‘Abduh and Riḍā made the first steps to fill this vacuum. Their influence in this process is difficult to measure, according to Abou El Fadl, but they definitely inspired other reformers in the late twentieth century. Abou El Fadl says about this that:

‘while the liberal reformers did not fill the vacuum of authority created in the postcolonial age, their ideas have inspired and shaped the thought of what I call moderate Islam. Today, it is the moderates who stand against the puritans13 aspiring to fill the vacuum of authority plaguing contemporary Islam.’ (Abou El Fadl, 2005, 38)

It is this situation in contemporary Islam, in which the ‘moderates’ are facing the ‘puritans’, that shapes the environment in which fatwā institutions nowadays are providing guidance to Muslims both in- and outside the Islamic world. Some examples of inter-/transnational institutions in the Islamic world that contribute to this aim, are the Fiqh Council of North America and the Fiqh Academy of the Muslim World League in Mecca, whose work can be placed on one line with that of the ECFR. Besides this, there are national fatwā bodies like the dār al-iftā’ at the al-Azhar university in Cairo and the Turkish Diyanet that provide advice to a specific community (Schlabach, 2009, 62). Within Europe, there seems to be a trend among, mainly, Muslim youth to seek Islamic knowledge through a process of self- and peer-education. On the Internet, they have become their own muftī and this medium therefore turns out to be more influential than the established authorities. Van Bruinessen defines this group of Muslim youth as ‘a generation of Western-educated Muslim intellectuals, who are largely self-taught in religion and who

13 By ‘moderates’, El Fadl refers to ‘a particular group of Muslims that deals with the challenges of modernity’. He deliberately does not describe them as ‘progressives’ or ‘reformers’, because those terms often refer to positions filled by the intellectual elite, while ‘moderate’ relates to the religious conviction of the majority of Muslims (2005, 16-18). The ‘puritans’ on the other hand distinguish themselves by the ‘absolutist and uncompromising nature of their beliefs’. Their position is ‘intolerant of competing points of view’ (2005, 18). A similar categorization can be found in the work of Moaddel. He refers to ‘modernists’ and ‘traditionalists’ and says that: ‘while Islamic modernism aimed at rationalizing religious dogma to show its consonance with modernity, fundamentalism aimed at Islamizing society through social and political action, the seizure of the state power being a necessary step in its overall Islamization project’ (2005, 5).
are quite eclectic in their use of (written) source materials’ (Bruinessen, 2003, 19-23). Alexandre Caeiro also studied similar processes on four Internet forums in France. He concluded that the contemporary Muslim youth regards the Internet to be an alternative to *muftis* and the influence of a certain *fatwā* on the Internet depends on the attractiveness and effectiveness of the particular website, not on the scholarly and authoritative basis of the decision made. He thinks that it is mainly due to a lack of visibility (on the Internet) that contemporary *fatwā* bodies have lost their influence (Caeiro, 2008, 1). They have been replaced by a group of conservative, Salafi spokesmen who use a simple logic and provide simple answers that are easily accessible on the Internet (Bruinessen, 2003, 23).

The vacuum in authority with both moderate and puritan parties (institutions as well as self-appointed *muftis*) willing to fill it, has given rise to a jurisprudential chaos, according to Abou El Fadl. And it is within this chaos and the large amount of (intellectual) controversies, that the European Council for Fatwa and Research aims to become the sole *fatwā* body for Muslims in Europe to turn to. They do this by providing a ‘uniform *fatwā*’ while dealing with the problems of European Muslims. To these Muslims, who experience difficulties in obeying the principles of Islam, the message of the ECFR is:

‘to bring ease to its *fatwā* [...] , rather than difficulty and hardship, to bring glad tidings of Islam rather than bad tidings and ill-fate and to include people in the circle of Islam rather than exclude and alienate them, even if they practiced no more than the absolute minimum of obligations.’ (ECFR, 2002, 4)

### 3.2 ‘Integration without assimilation’: goals and membership

The previous paragraph showed that the ECFR aims to ‘counter the lack of unity’ among *ulamā*, religious scholars, and wants to end the ‘flood of *fatwās*’ by developing a ‘uniform body of guidance’ (According to Ahmad al-Rawi, In: Johansen-Karman, 2008, 61). Against this background, the ECFR distinguishes four different goals:

1. Unify different opinions on *fiqh*
2. Apply Islamic law in countries in which Muslims live
3. Conducting research in the field of Islamic law
One of the most important aims of the new *fiqh* that the ECFR creates, is 'integration without assimilation'. This means that the adaptations made to Islamic law in Europe will open possibilities for legal integration, while at the same time preventing a cultural and religious assimilation (Caeiro, 2010a, 13; Caeiro, 2010b, 444). The use of the concept of *taysīr* (facility, leniency) is important in this context, because *fatwās* based on this concept are meant to protect the Muslim identity in Europe while at the same time making sure that the European Muslims stay concerned with Islam and connected to Islamic authorities (Caeiro, 2010a, 6).

As mentioned before, the ECFR aims to reach the goal of adapting Islam to the European context while still protecting Muslims' identity, by issuing collective and uniform *fatwās* (Schlabach, 2009, 71). This is done by scholars working on an abstract theoretical level and in the ideal case, all four Sunni *madhhab* (schools of thought) are represented within this process. This representation can be assured by selecting the Council’s members based upon their adherence to a certain *madhab*, as a criterion besides them representing a Muslim community of a certain type and size. By doing this, the ECFR can represent the diversity of Islamic organizations in Europe, but, according to Caeiro, the council remains ‘overwhelmingly Arab in ethnicity and close to the ‘middle ground’ (wasaṭiyāya\(^4\)) ideology of the Muslim Brotherhood’ (Caeiro, 2010a, 4-5). Johansen-Karman agrees with this statement, but besides the majority of members being close to the wasaṭiyāya ideology, she mentions that two other positions can be distinguished. Based upon her interviews with members of the ECFR, she has first of all identified a traditional or conservative position among members who want to preserve ethnic traditions and expressions of Islamic practice. This group of scholars is mainly isolated from the mainstream majority society surrounding them. A second group of scholars has a ‘Saudi-inspired approach’ and they are engaged in the Islamization of the Muslim community.

\(^4\) *Wasaṭiyāya* is a concept derived from the Qur’ānic verse 2:143: ‘Thus we have appointed to you a middle nation (*ummat wasat*), yet ye may be witnesses against mankind and the messenger may be a witness against you’ (In: Fishman, 2003, 7). It is a concept most often used to refer to a trend of Islam that acts independently and has adopted the ‘middle way’ between liberalists and fundamentalists (Fishman, 2003, 7) or, more general, between progressives and conservatives (Schlabach, 2009, 101). In case of the ECFR, *wasaṭiyāya* is regarded al-Qaraḍāwī’s ‘trademark’ (Johansen-Karman, 2008, 71). In line with the ideology of the Muslim Brotherhood – that applies *wasaṭiyāya* to describe their position as being the middle ground of many currents in Islamic thought (Maréchal, 2008, 5) - al-Qaraḍāwī uses this concept (among other applications that can be consulted in: Gräf, 2009, 213-228) to express his wish to unite all Muslims and to reverse their fragmentation into political, intellectual and theological directions (Gräf, 2009, 227).
They are very critical on some of the collective rulings of the Council, especially those based on *taysir* and concern the adaptation of Islamic practice. The final group of scholars, the majority that Caeiro also refers to, has a pragmatic and flexible position. They aim to develop Islam to make it compatible with living in the West. Within this third category of scholars, there is a group mainly concerned with Islamic practice on a micro level, in daily life, and another group working on a macro level, i.e. the institutionalization of Islam in Europe (Johansen-Karman, 2008, 72-73).

The coexistence of different positions represented by the members of the ECFR can partly be explained by looking at their different countries of origin and the different religious traditions in which they were educated. It is also a fact that one-third of the members is allowed to live outside Europe and this might influence their position. In order to be able to work as representatives of the ECFR, the statutes mention that the scholars living outside Europe must be familiar with the circumstances Muslim minorities are living in and they have to visit them on a frequent basis (Johansen-Karman, 2008, 69; Caeiro, 2010a, 4). All other members have to fulfill the following five conditions:

1. ‘To be of appropriate legal (*shari’ā*) qualification at university level, or to have been committed to the meetings and circles of scholars and subsequently licensed by them, and to be of sound Arabic language.
2. To be of good conduct and commitment to the regulations and manners of Islamic *shari’ā*.
3. To be resident of the European continent.
4. To enjoy the knowledge of legal jurisprudence (*fiqh*) as well as awareness of current environment.
5. To be approved by the absolute majority of members.’ (ECFR, 2002, 8; Caeiro, 2010a, 4)

In an interview with Johansen-Karman, Ahmad al-Rawi – former president of the FIOE, the foundational organization of the ECFR - emphasized that the Council is supposed to be a European authority and that he hoped that in the near future, most members will be Europeans and that the Council will appoint a European president (Johansen-Karman, 2008, 69). Al-Rawi also mentioned that the initiators of the ECFR were surprised when al-Qaraḍāwī was elected the president, for this was not the most logical choice in creating a European *fiqh* council. He thinks that al-Qaraḍāwī was chosen, first, because of his own interest to be part of an international institution in which he could become a ‘global Islamic authority’ and secondly because al-Qaraḍāwī is known for being ‘pragmatic in
practice and moderate in his legal rulings’, two elements in line with the ECFR’s aims (Johansen-Karman, 2008, 70-71).

So far, the information provided in this chapter has shown that the ECFR aims to bring guidance to Muslims living in Europe by providing them with fatwās based on knowledge of both Islamic law and the contemporary (minority) circumstances people are living in. The fatwās are issued by a body Islamic scholars coming from both in- and outside Europe. Together they contribute to the creation of a European fiqh. The question that has been unanswered so far is: how does the process of iftā’ (issuing fatwās) take place within the ECFR?

3.3 The process of iftā’ in the ECFR

To understand the way in which the ECFR has shaped its process of iftā’, it is important to look at the Council’s organizational structure. At the head of the organization stand the president and the vice-president with their appointed secretary general. They are not only responsible for the work of the Council itself, but also manage the ECFR’s ‘Research and Studies Committee’, that publishes the periodical, and two fatwā subcommittees in France and Britain. When European Muslims submit their questions to the ECFR, often in written form by e-mail or fax, these questions are collected by the secretary general. He will look at them and in case there already exists an authorized answer, he will provide this answer straight away. The remaining questions have to be studied and discussed by the members of the ECFR or by the members of the two subcommittees.

These subcommittees meet twice a month and during these meetings the members will present their answers to the questions they received. A selection of these answers, mainly those of general concern to the Muslim community, are submitted to be discussed at the yearly assembly of the main Council. It is up to the ECFR’s members to approve and eventually publish these fatwās. But during this yearly meeting of the members of the ECFR, not only the submitted questions will be discussed. The members themselves can also bring complicated questions to the attention of the Council or present their current research (Johansen-Karman, 2008, 73-74; Caeiro, 2010a, 10). According to Johansen-Karman, the major part of the ECFR’s work since 2005 consists of conducting research in the fields of ‘Muslim families in the West, integration and citizenship and fiqh al-aqalliyyāt’. The results of their research are referred to as ‘resolutions’ and together with the most important fatwās discussed at the assembly, they are published in the Council’s
journal *Scientific Review*, the FIOE’s magazine *al-Europiya* and on the website *Islamonline* (Johansen-Karman, 2008, 75).

The questions the ECFR receives show different styles and contents and a distinction can be made between questions concerning a particular individual’s situation and questions of a more general character. Johansen-Karman mentions that among the questioners there is an even gender distribution (Johansen-Karman, 2008, 146), while Caeiro and Schlabach state that women demand more fatwās than men. They say that a majority of questions comes from women and converts. Women are in need of fatwās because of the large differences between classical *fiqh* and modern expectations concerning women’s issues. Converts mainly raise questions about which *madhhab* they should follow and the way in which they should react to external criticism related to their conversion (Caeiro, 2010a, 8-9; Schlabach, 2009, 71).

So far, this paragraph has shown the more organizational way in which the process of *iftā’* takes place. But how do the members reach their decisions and apply the central concepts related to *fiqh al-aqalliyyāt*? When fatwās are issued by the Council, they are based upon a specific methodology and a number of source materials. The first step the members of the ECFR take, is to look at the evidence the four Sunni *madhhabs* offer (ECFR, 2002, 7). The useful fatwās of these *madhhabs* will be selected during a process that al-Qaraḍāwī introduced as ‘selective *ijtihād*’ (In: Caeiro, 2003, 26; Schlabach, 2009, 72). It can be noted that this is a methodology in line with his view on *fiqh al-aqalliyyāt*, and not with al-‘Alwānī who rejects the (re-)use of classical legal legacy. In case a question submitted to the ECFR addresses a new and unprecedented situation, the members use other sources and principles of Islamic legislation during a process al-Qaraḍāwī named ‘innovative’ or ‘creative’ *ijtihād* (In: Caeiro, 2003, 26; Schlabach, 2009, 72; cf. ECFR, 2002, 7). Among the sources they use, the ECFR first of all defines the four basic sources of Islamic law: Qur’ān, *Sunna*, *qiyās* (analogy) and *ijmā’* (consensus). They refer to them as the four sources the majority of Muslims agrees upon. Besides these sources, they also use:

‘various other sources of legislation which are not entirely agreed upon, such as preference (*istihsan*), public interest (*maslaha mursala*), disadvantage prevention (*sad al-thara’ī [sic]*), relativity (*istishab*)', tradition

---

15 After studying the fatwās published in these magazines and especially those published online, Johansen-Karman concluded that *Islamonline* often copies older fatwās and provides them with a new date to give an ‘aura of vital activity’ (Johansen-Karman, 2008, 75) Besides this, the Council does not fulfill its promises to translate the fatwās and studies into various European languages. The only available translations are in English and they are irregularly updated on the website.
or custom (urf), companions school (madhhab sahabi), and the legislation of those before us (shar’u man qablan), considering the necessary conditions and regulations stated by the people of knowledge, particularly if the interest of the umma would be realized by considering these sources.’ (ECFR, 2002, 7)

By using these sources and concepts, the ECFR aims to provide guidance to Muslim minorities in Europe, but they also aim to reach a broader public by advising all Muslims how to live in modern times. The general validity and applicability of the fatwās might be the reason why they are given in general terms without specifically addressing the minority situation (Johansen-Karman, 2008, 148).

So, the process of iftā’ within the ECFR is characterized by the use of both ‘selective’ and ‘creative’ ijtihād. The fatwās are the outcome of a process of collective ijtihād practiced by the members of the ECFR. Traces of this collective process of discussing and studying the submitted questions can still be found in the fatwās themselves, according to Caeiro and Johansen-Karman. The discussions that precede the determination of the text of a fatwā, make the fatwā a ‘negotiated text’ (Johansen-Karman, 2008, 154) and the numerous corrections lead to a multiple authorship that sometimes causes ambiguities within the fatwā’s final version (Caeiro, 2010a, 10). This is mainly the case with fatwās containing controversial and innovative ideas (Caeiro, 2010a, 10). Despite the discussions and corrections made to the fatwās, it can occur that a number of scholars do not agree with the decision made and in that case their objections will be recorded. Disagreements like this can arise when a scholar does not agree upon the necessity of providing a certain ruling in a given situation or because he favors older opinions in spite of a renewed use of ijtihād (Johansen-Karman, 2008, 79-81).

3.4 The ECFR’s fatwās

Discussing the goals, membership and process of iftā’ within the ECFR within the context of the creation of a fiqh for minorities has all been very abstract. In line with al-Qaraḍāwī’s pragmatic way of thinking and al-‘Alwānī’s emphasis on the need for Muslim minorities to get a fiqh specifically dealing with their situation, a chapter on the ECFR should also contain some examples of their fatwās. In the current paragraph, two important fatwās will be presented: one on the permission of getting a mortgage (including the forbidden interest, ribā) to buy a house in the West, and one on the question whether a converted
Muslim woman is allowed to remain married to her (non-converted) husband. Of course, numerous other examples can be given: *fatwās* on political participation in the West (and being loyal to a Western government), serving in the army of a non-Muslim country, and using a controversial method to calculate the first day of Ramadan for Muslims in Europe. The two examples chosen to discuss in this paragraph have been selected because of their transnational influence and the reactions they caused among other scholars. This influence is a starting point to discuss the (perceived) audience of the ECFR and to introduce the empirical research that will be presented in the next chapter.

3.4.1 *Fatwā 1*

The *fatwā* regarding the permissibility for Muslims to get an interest-containing mortgage, was issued in 1999 at the end of the ECFR’s fourth session. The question on the permissibility of getting a mortgage was a recurrent one in the Council and has its basis in Quranic verses 3:130 and 30:39 that forbid the use of *ribā*, i.e. usury or interest and other unlawful gains (Beck & Wiegers, 2008, p. 27; Caeiro, 2011, 186). Within the ECFR, the question was introduced by a group of French members and the initial research got assigned to al-‘Arabī al-Bishri. In line with al-‘Alwānī’s guidelines on the cooperation of scholars related to *fiqh* for minorities, al-Bishri consulted the results of an ongoing research project of the European Union related to this question – i.e. a parallel drawn by Caeiro. Al-Bishri also studied the legal prescriptions within Islam and the social benefits of owning a house. He concluded that Muslims should be enabled to own a house even if they do not have another option than getting a mortgage (Caeiro, 2011, 187-191).

The research that al-Bishri conducted is an example of the way in which members of the ECFR study the questions that have been assigned to them (cf. Johansen-Karman, 2008, 74). After finishing the initial research, al-Bishri presented his findings during the next meeting of the ECFR. Many of his arguments were accepted by the other members and supplemented with new arguments before they were collected in the collective *fatwā* issued by the ECFR in 1999 (Caeiro, 2011, 192). In this *fatwā*, the ECFR mentions that *ribā* is forbidden and belongs to the most serious sins. They encourage Muslims to look for alternatives, for example in Islamic banking. But, when these alternatives cannot be found, the Council has no objections to the use of a loan containing interest to facilitate buying a house in which a Muslim and his family can live. However, they do have three important conditions: ‘the house to be bought must be for the buyer and his household; the buyer must not have another house; the buyer must not have any surplus of assets that can help him buy a house by means other than mortgage’. (ECFR, 2009)
Besides the actual decision, the fatwā also discusses the juridical considerations upon which the members of the ECFR based their advice. These are first of all the principles of necessity (darūra) and need (hajah), and secondly an early opinion found within the Hanafi madhhab. After discussing the individual and collective needs, they concluded that:

'Buying an own house also helps the Muslim family to modify it to accommodate their social and religious needs. Besides all these individual benefits, it helps the Muslim community, being a minority, to free themselves from the financial pressure that renting accommodation often causes, and focus their attention to the call to Islam and help the host community wherever possible and permissible. This cannot in fact be possible if the Muslim family works all the time just to pay towards the costs of their rented accommodations as well as their living costs. (ECFR, 2009)

So, the ECFR has taken the situation of Muslims in Europe into account and approved the use of interest for them to improve their lives and be able to perform da'wa. Beck and Wiegers mention a practical application of this fatwā in France, a country in which non-Muslim have a better economic position than Muslims, a difference that is related to owning a house. In this case, Muslims can easily improve their position and the general welfare of their community by buying a house by means of a mortgage. According to the fatwā of the ECFR, they are allowed to do this when it will prevent them from experiencing any disadvantages or difficulties caused by following Qur’ānic prescriptions (Beck & Wiegers, 2008, p. 28-29).

A study on the different reactions to this fatwā in the Netherlands has been undertaken by Said Amrani. He interviewed four Dutch imams representing different madhhabs and concluded that most imams do not think that Dutch Muslims are in a situation that allows them to regard a mortgage as a necessity or need. The first imam thinks that there are multiple alternatives that should be considered, the second imam agrees with this and questions the definition that the ECFR uses for 'need'. He wonders which criteria are defining the discomfort that will lead people to buy a house. The third imam does not see any necessity or need, because every Muslim in the Netherlands is living in a house (albeit a rented house) and a great number of non-Muslims is also renting. He sees no need for Muslims to own one. Finally, the fourth imam agrees with the fatwā and the vision of al-Qaraḍāwī. He thinks that a special fiqh, including this fatwā on

The responses of the imams immediately show the existence of different views towards the fatwā of the ECFR. All imams seem to agree on the fact that adaptations have to be made for Muslims living in the West. The thing they do not agree on, is the situation in which the need of a Muslim community allows them to break or reformulate the rules of Islam. Because of the fact that the progressive character of this fatwā has given rise to many different opinions, Caeiro states that ‘[this fatwā] has perhaps become, in the collective imaginary of Muslims in Europe (and beyond), the fatwā that best characterizes – for good and worse – the work of the ECFR’ (Caeiro, 2011, 186-187).

3.4.2 Fatwā 2

A second important fatwā was issued in 2001 and deals with a highly controversial question, namely if a woman who converted to Islam is allowed to remain married to her non-Islamic husband. According to the Qur’an, a Muslim man is allowed to marry a non-Muslim woman as long as she belongs to the ‘People of the Book’, ahl al-kitāb, and therefore adheres the Christian or Judaic religion. A Muslim woman, on the other hand, is not allowed to marry a non-Muslim man. This rule is derived from sura 2:221, saying: ‘And do not marry polytheistic men [to your women] until they believe [...]’ (In: Beck & Wiegers, 2008, 72-73). But what happens when in a European non-Muslim couple, the woman decides to convert to Islam? This question was submitted to the ECFR and addressed by al-Qaraḍāwī. The methodology he used to study this question is in line with salafih reformism, for it is based on the use of fatwās of the prophet’s companions that deal with issues of marriage and conversion (Saify, 2002, 26). Al-Qaraḍāwī concludes that:

‘[...] the marriage contract during this period – where one of the partners has converted while the other has not – is permissible but not binding, and neither restriction nor harm shall be inflicted on the wife due to it. There is no proof that this idea is inconsistent with the rules of sharī’a.’ (English translation in: Saify, 2002, 14)

When he submitted his paper to the Council, according to Johansen-Karman, ‘the Council did not manage to reach unanimous consensus among its members, but it succeeded in formulating a shared resolution that introduces diversity of opinions’ (Johansen-Karman, 2008, 172). She regards this resolution an example of the ideal working procedure for an institution based on collective ijtihād, for ‘a wide range of research is presented [...] and
based on discussion and evaluation of this research a final statement that accommodates the different view of the ‘ulamā’ is reached’ (Johansen-Karman, 2008, 173). One of the statements presented in this declaration, is:

‘According to the four main schools of jurisprudence, it is forbidden for the wife to remain married with her husband, or indeed to allow him conjugal rights ones her period of waiting has expired. However, some scholars see that it is for her to [decide whether to] remain with him, allowing him and enjoying full conjugal rights, if he does not prevent her from exercising her religion and she has hope in him reverting to Islam. The reason for this is for women not to reject entering into Islam if they realize that they are to separate from their husbands and desert their families by doing so.’ (In: Caeiro, 2010a, 17)

This quotation shows that the members who, like al-Qaraḍāwī, do not think it is necessary for a converted Muslim woman to divorce her husband, base themselves upon the possibility that the husband will eventually convert to Islam too. This can be regarded an example of the way in which the ECFR deals with the concept of da’wa. They regard this issue to be related to the possibility of spreading the Islamic religion and within this context, the woman is allowed to stay married despite the existence of contradicting Qur’ānic prescriptions.

The controversy that these discussions caused within the ECFR, also led to reactions among (conservative) scholars in the Islamic world. An example of these reactions, again, comes from the Saudi shaykhs Ibn Bāz and Uthaymīn, referred to before as the main opponents of fiqh al-aqalliyyāt. In reaction to this discussion, Ibn Bāz said that: ‘the believing women, who came seeking emigration to the prophet […] should not be returned to their disbelieving husbands’ (Bāz & Uthaymīn, 1998, 30). Uthaymīn refers to the Qur’ān and says that: ‘in this issue, the Islamic law must be applied and there is no room for independent reasoning’ (Bāz & Uthaymīn, 1998, 70).

3.4.3 The ECFR’s audience and influence

The previous examples of fatwās and resolutions issued by the European Council for Fatwa and Research show the incorporation of the Council’s concepts and goals, like creating unity and make the Muslims’ lives easier, in the decisions they make. The fatwās also show a range of influence, in the first case the influence upon Muslims in France and the reactions coming from Dutch imams, and in the second case the emergence of counter
reactions among conservative scholars outside Europe. But what about their influence upon the European Muslim community in general as the main audience addressed by the fatwās of the ECFR?

According to Masud, Messick and Powers, fatwās are important ‘societal barometers’ in providing access to the problems of specific societies (Masud et al., 1996, 22; 33). This is also in case with the questions asked to the ECFR, because they mainly come from Muslim individuals and not from governments and courts, like it is the case in most Islamic countries (Caeiro, 2010a, 9). According to al-Rawi, the former president of the FIOE, an increasing number of Muslims is contacting the ECFR for advice, but Johansen-Karman states that this cannot be confirmed. She thinks the ECFR even might have failed in becoming the fatwā council to which Muslims automatically turn. She blames this to the fact that the Council communicates in Arabic and they do not ‘advertise’ themselves to become visible among the non-Arabic minorities. The people who do address the ECFR cannot be identified easily, for their questions are anonymised. Probably half of them live inside Europe, the other half outside (Johansen-Karman, 2008, 96-97; 146-147).

So, scholars cannot easily identify the Council’s audience, but the exact audience is even unclear to the Council itself, according to Caeiro. The Council balances between their wish to contribute to integration at the one hand and to the larger movement of Islamic revival at the other. To spread their message, they address a Muslim community that Caeiro calls an ‘Islamic counterpublic’. This means that the ECFR does not address a specific, existing Muslim community, but an ‘imagined’ community of European Muslims. This ‘imagined relation among strangers’ is referred to as ‘Muslim minority’ and because of that they become a distinct group, a counterpublic, both within European society as the Islamic majority countries. The ‘minorityness’ of European Muslims is further emphasizes by the Council and this might even lead to more difficulties in their lives. The current steps the ECFR takes to move away from ‘minorityness’ towards ‘citizenship’ is therefore, according to Caeiro, a step in the right direction (Caeiro, 2010b, 435-443).

So, to researchers it is not clear what the exact audience of the ECFR is and related to that, it is difficult to get an idea of the scope and influence of its fatwās. This is the reason why in the next chapter of this thesis, an exploratory qualitative study is undertaken among Dutch imams to examine the influence of the European Council for Fatwa and Research in the Netherlands.
CHAPTER FOUR – EMPIRICAL STUDY: EUROPEAN FATWAS IN THE NETHERLANDS

4.1 Introduction

The previous theoretical framework has displayed a process of Islamic reform that has been going on for a long period of time. Today, in 2011, we can look back to this chain of developments and see that this process, that started with al-Afghānī’s. Abdūh’s and Riḍā’s efforts, has now provided us with an introduction into salafiyya reformism, the concept of fiqh al-aqalliyyāt and the establishment of the European Council for Fatwa and Research. Within these developments, the ECFR represents a pragmatic approach aiming at providing the European Muslim community with religious advice that addresses the specific situation they are living in. With their promotion of ‘uniform fatwās’, the ECFR strives to create unity within the (European) Muslim community and aims to motivate the Muslim minorities to keep fulfilling their religious duties wherever possible. However, the ECFR will only be able to achieve these goals when the European Muslim community is (or becomes) aware of the existence of this transnational fatwā body and actively engages in the European fatwā-process by informing the ECFR about the situations they are living in and the problems they experience in relation to their minority circumstances. This interaction between the ECFR and the European Muslim community seems to be the next step within the chain of reform and modernization, and it is a step that is discussed in the current chapter of this thesis.

How does the interaction between the ECFR and the European Muslim community take place? Or, more specifically, what is the influence of the ECFR among Muslims living in Europe and especially in the Netherlands? That is a very interesting question to ask within the light of the previously described developments. It is, however, also a question that is very broad, for it encompasses many different religious, social and cultural factors. Within the limits of this MA-thesis, it is therefore only possible to focus on a specific element, a subquestion within this broader frame of research, and to hope that future researchers will contribute to create a larger frame of reference in which the ECFR’s influence in the Netherlands is studied. The subject this current thesis deals with, is the way in which Dutch imams – as intermediaries between the Muslim community and the ECFR - refer to the ECFR’s work, on the one hand, and the way in which different factors influence their choice to consult the ECFR, on the other hand. Shortly, it aims to provide insight in the way in which Dutch imams deal with the questions they receive from the
Muslim community and the choices they make in answering them. This is done by discussing the following two research questions:

In what way do Dutch imams refer to the European Council for Fatwa and Research?

Which factors, according to their own perspective, influence the imam’s choice to turn to the European Council for Fatwa and Research for religious advice?

4.2 Method

4.2.1 Participants

These research questions are addressed by means of an exploratory qualitative study among three Dutch imams. At an early stage of preparation, existing literature provided information on different Islamic organizations that do or do not refer to the fatwās of the ECFR. It, first of all, showed that the Turkish organization Milli Görüs uses the ECFR as a source of religious advice (Schlabach, 2009, 90). Their reformist approach resembles that of the ECFR and both organizations are addressing European Muslims from a position of independence from the social and political influences of Islamic organizations and/or governments. Next to the parallel Islam that Milli Görüs represents is the position of the Turkish ministry of religious affairs, Diyanet. This organization does not address the ECFR, for it has its own fatwā council and is not interested in contributing to the development of a fiqh for minorities (Bruinessen, 2003, 15; 21). In a phone call with the Dutch branch of Diyanet, ISN, one of the board members confirmed this and explained that they are familiar with Yusūf al-Qaraḍāwī as a religious authority, but regard the ECFR to be a Council that is mainly used by Moroccan Muslims. This latter statements can also be found in the literature, for - besides Milli Görüs - researchers expect mainly Moroccan Muslims in the Netherlands to turn to the ECFR, both because of the fact that the Council’s communication is in Arabic and the fact that the Dutch Moroccan community, like the ECFR, is oriented towards a transnational Islam (Bruinessen, 2003, 21; Caeiro, 2010b, 440).

So, from the early stages of this empirical study on, it was clear that the imams most likely to be familiar with the ECFR, were Moroccan imams and imams affiliated to Milli Görüs. They therefore became the target group of this study. Both regional headquarters of Milli Görüs in the Netherlands as well as a dozen of Moroccan imams were
approached to participate in an interview, but due to holidays and difficulties in contacting the different mosques (by mail, letters and phone), only three imams were available and willing to be interviewed: two Turkish imams both working as ‘main imam’ for Milli Görüs and one Moroccan imam. An additional fourth interview was held with a respondent who is both a board member of the Council of Moroccan Mosques in the Netherlands (RMMN) and the Federation of Islamic Organizations in the Netherlands (FION), with the latter being related to the FIOE, the organization involved in the establishments of the ECFR. All interviews took place in the period between June 13th and August 9th 2011 at locations chosen by the participants. In case the imam did not have sufficient proficiency in the Dutch language, an interpreter was present to translate his answers.

4.2.2 Data collection
The research conducted in this empirical study belongs to the category of qualitative research that aims to ‘describe and interpret the meaning that people give to certain events or situations’. It is about getting to know the emic perspective (Boeije, 2008, 26; 33). Within qualitative research there are numerous different approaches that can be used, depending on the actual design and aim of the study. A method that seemed to suit the current research best, is the Interpretative Phenomenological Analysis (IPA) developed by a research group led by psychologist Jonathan Smith. They emphasize that in IPA research, ‘the researcher is trying to make sense of the participant trying to make sense of their world’ (Smith et al., 2009, 3). A key concept within this method is the phenomenological approach that enables the researcher to focus on the participant’s ideas without judging them according to the researcher’s own presuppositions (Smith et al., 2009, 13-14). Especially when dealing with religion and religious ideas, it seems useful for a researcher to ‘bracket’ his or her own opinion and judgment on religion to allow the participant to create his own framework. The participant is also enabled to create this own framework because of the use of semi-structured interviews. Within these interviews, the participant can influence the themes discussed and make sure that the interview will cover all aspects that seem relevant to him (Boeije, 2008, 57-61; Smith et al., 2009, 59-61).

The interview scheme used in the current empirical study has been created in light of the above mentioned theory and the theoretical framework presented in the first

---

16 Some imams preferred their information to be anonymised in this thesis. The imams are therefore referred to as ‘Imam A, B or C’, depending on the moment they were interviewed.

17 In line with the anonymous references to the imams, this fourth respondent will be referred to as ‘Respondent D’.
chapters of this thesis. The main structure of the interview is centered around three categories:

- The imam’s familiarity with the ECFR (and its work)
- The imam’s implementation of the ECFR’s religious advices in the Netherlands
- The imam’s opinion on the methodology used by the ECFR

Because of the fact that the participants were enabled to guide the interview themselves, they could add their own emphasis to certain aspects of these categories and add new information from which, in the data analysis, new categories could be deduced. However, the extent in which the participants themselves were able to ‘lead’ the interview varied among the imams and seemed to correlate with the extent in which they used the ECFR’s fatwās, and therefore were able to tell about their own experiences.

4.2.3 Data analysis

During the interviews, and with permission of the participants, audio recordings were made that were used to create a literal transcription afterwards. Following the method of IPA - i.e. interpreting the interview transcripts and, according to the phenomenological approach, try to capture the meaning lying behind the literal words of the respondents (Smith & Osborn, 2008, 64) - these transcripts were provided with ‘exploratory comments’ that were compared, combined and repositioned into a system of ‘conceptual comments’ from which different central themes emerged. At this stage, according to the method of IPA, a deeper level of interpretation should take place, i.e. a search to the ‘essence’ that is mainly based on the literal descriptions the participants provided of their experiences. (Smith et al., 2009, 79-105) In case of the empirical study among imams, however, a problem arose due to the fact that in some interviews an interpreter was needed to translate the imam’s answers. The information from those interviews therefore already had been interpreted and did not represent the exact words of the imams. Besides that, the ‘deeper layer’ of experience that IPA hopes to discover, was absent in the interviews undertaken in the context of this thesis, for it is exploratory and often based on factual information instead of experiences. The method that offered a solution during the phase of data analysis, was the Grounded Theory that has been developed by Glaser and Strauss and aims to develop a theory based upon the research data (Boeije, 2008, 22). This is done by ‘creating theoretical categories that are directly grounded in your data’ (Charmaz, 2008, 82) by adding open, axial and selective codes to the transcript. In light of

---

18 The actual interview scheme can be consulted in Appendix A.
this method, the comments/codes already added to the transcript by means of IPA, were still useful and the method of Grounded Theory provided a practical guide for the next stage in which the central, 'umbrella' themes were defined.

The process of data analysis showed that the information provided in the interviews with the imams can be divided into two parts. First of all, the imams provided information that can be regarded 'exploratory'. They described how they consult the ECFR, how they transmit the Council's work to the Dutch Muslim community and finally, how these local communities implement the advices into their lives. The information provided within the framework of these three themes, mainly contributes to the first research question given at the start of this chapter and will be presented in ‘resultsection 1’. The other part of the information is of a more 'explanatory' character. It contributes to the second research question, on the factors influencing an imam’s choice to turn to the ECFR, and will be presented in ‘resultsection 2’. Within this section, three factors will be elaborated on: (1) the role of Muslims in the Netherlands; (2) the role of imams in the Netherlands; (3) the role of fatwās in the Netherlands. In ‘resultsection 3’, the results of the interview with ‘Respondent D’ – a board member of both the Federation of Islamic Organizations in the Netherlands (FION) and the Council for Moroccan Mosques in the Netherlands (RMMN) - will be presented as a further contextualization of the answers provided by the imams and as a contribution to the general research question of this thesis on the actual influence of the ECFR in the Netherlands.

4.3 Resultsection 1: Dutch imams’ references to the ECFR

4.3.1 Introducing the imams

**Imam A** originally comes from Turkey where he received his education in Islamic theology. He mentions that his father was an imam too, and he was therefore engaged in studying Islam and the Qur’ān since he was a young child. He went to an *imam-hatip* school as a preparation for his later studies in Islam and Arabic. He came to the Netherlands twenty-one years ago and started working as an imam for Milli Görüş in the Northern region of the country. Nowadays, he is the ‘main imam’ within this organization and has the task to supervise the other imams and to recruit and educate new imams.

**Imam B** is a Moroccan imam who started studying Islam and memorizing the Qur’ān by the age of five. At eleven years old, he memorized the whole Qur’ān and started specializing in other aspect of the Islamic religion, including law. He studied at four different schools/universities and became an imam in Morocco. When he entered the
Netherlands in 2001, he was already familiar with Dutch society - because he married a
Dutch woman - and started working as an imam again. He currently works in a large
mosque that has no membership of any of the Moroccan umbrella organizations in the
Netherlands.

Imam C was born in Turkey and came to the Netherlands in 1976 together with his
parents. He followed his primary education in the Netherlands and his secondary
education in Germany at an Arabic school dedicated to the study of the Qur’ān. He
proceeded this study at al-Azhar in Egypt and during a master-study in Turkey. After he
returned to the Netherlands, he started refreshing his knowledge of the Dutch language
and worked as a teacher in an Islamic primary school before becoming an imam in
different Dutch prisons. Currently, he still holds this position and is also a board member
of the Dutch Islamic Federation (Nederlands Islamitische Federatie (NIF)), the Southern
region of Milli Görüs in the Netherlands. Within this organization, he holds a similar
position as Imam A and is responsible for everything related to religion.

4.3.2 Consulting the ECFR

Imam A’s relationship to the ECFR depends highly on the relationship that Milli Görüs, as
an umbrella organization, has with the Council. It is therefore important to provide some
background information about this organization. Milli Görüs was established in Turkey in
the 1970s as a religious and political movement and became influential in the Netherlands
in the late 1970s. In the 1990s, the Dutch Milli Görüs movement split into a Northern and a
Southern region with the Northern region being more engaged in society and public
debates. Nowadays, Milli Görüs in the North of the Netherlands regards itself a socio-
cultural organization that is based on Islam and aims the active participation of Turkish
Muslims in Dutch society (Boender, 2007, 114). The two separate regions in the
Netherlands are part of the 30 regions19 of Milli Görüs in the Western world. Every local
branch has its own board and one board-member is always a mufti or ‘main imam’. He is
the intermediary between the local imams and the board. Connected to the German
headquarter, there is also Milli Görüs’ own fatwā council to which the local mufti can turn
to for religious advice. And it is at this level that there is a direct link to the ECFR, because
one of the members of Milli Görüs’ fatwā council represents the organization within the
European Council for Fatwa and Research (Interview Imam A).

19 The website of Milli Görüs states that the 30 regions encompass a total of 514 mosque
communities and 1833 local facilities. Approximately 300.000 Muslims attend the Friday prayers.
(http://www.igmg.de/gemeinschaft/islamic-community-milli-goerues/organisational-
structure.html, consulted at 07-27-2011)
Imam A explains that he receives questions from the Muslim community and in case he cannot find any previously issued fatwās to answer them, he will turn to the fatwā council of Milli Görüş. This council then discusses the question and may decide to consult the ECFR. The local imams themselves do never contact the ECFR directly. Imam A says about this that:

‘The two councils do not stand in the way of each other, but there are questions that the council of Milli Görüş receives that are redirected to the European Council, to make sure that both councils adopt a common approach. [...] It is important for local imams to act the same way as the headquarter does and the headquarter has decided to follow the decisions of the ECFR.’

(Interview Imam A)

He furthermore explains that when Milli Görüş initiates a meeting to issue fatwās, the ECFR is always invited and the same goes the other way around. He mentions that within the ECFR, Milli Görüş is (just) one of the members, but they have a special position because of the size of the organization:

‘Milli Görüş is one of the largest ‘self-organizations’ in Europe and represents a large amount of local Muslim communities, also within the ECFR. This gives us a different position, because a lot of the Council’s members do not represent a large group of followers, only a specific school of law. Milli Görüş is one of the largest organizations and is respected in that regard. That is why we have such a strong position. (Interview Imam A)

Imam B became familiar with the European Council for Fatwa and Research through his membership of the Association of Dutch Imams (Vereniging Imams Nederland (VIN)). This association aims to unite Dutch imams in their effort to guide the Muslim community in the Netherlands and to support the participation of the Islamic community in society, culture and economy. Within the context of this association, Imam B mentions the

20 The interview quotations have been translated from their Dutch originals by the author of this thesis by using the ‘standardized approach’ (Boeije, 2008, 134) in which the transcription is edited to facilitate the reading. When possible, the original words are maintained. The original quotations in Dutch can be consulted in Appendix B.

21 For more information on goals and membership, consult: www.imamonline.nl (in Dutch)
weekly meetings of the imams affiliated to it. During these meetings, the imams present the questions they received during the week but were unable to answer based on their own knowledge. Most of the time, according to Imam B, the questions can be answered by other imams (‘when someone does not know it, the other might’ (Interview Imam B)). But in case their common effort does not provide them with an answer, they will consult other sources, among which the European Council for Fatwa and Research. Even though the chairman of the VIN himself is a member of the ECFR, consulting the European Council is not a ‘golden rule’ in all cases, Imam B mentions. They mainly consult the ECFR in case of situations and incidents that are new and have never been discussed before:

‘When a situation has never occurred before or addresses a question that is new, nazila, to a specific community, we turn to the European Council. Most members of the European Council live in Europe and are therefore familiar with these new situations.’ (Interview Imam B)

But even then, consulting the ECFR not necessarily means that the imams adopt its point of view. Imam B says:

‘In cases concerning unprecedented situations, the Council is just one of the resources we consult, but not that decisive that we immediately implement whatever they say.’ (Interview Imam B)

Imam C became familiar with the ECFR because of his studies in Egypt. He has always been interested in all developments regarding the Islamic religion in Europe and when he noticed that the ECFR was established, he attended their yearly assembly in Germany. He thinks it is very important that an institution like the ECFR exists, for they not only study the classical sources, but also the way in which European Muslims live. European Muslims are in need of an institution like the ECFR, but the task this Council has to fulfill is not easy:

‘It was a need for Muslims in Europe to get a fatwā council to which they could turn to ask their questions and receive an answer. But it is not easy, it is not easy for them to address the problems and come up with an answer.’ (Interview Imam C)

Information provided by Respondent D showed that this chairman is no longer a member of the ECFR. It would therefore be interesting to follow the developments within the VIN concerning the consultation of the ECFR within further research.
Like Imam A mentioned, Milli Görüş' own fatwā council is trying to fulfill a similar function, but with its own special character. But, where Imam A describes a lively cooperation between the two, Imam C refers to the ECFR as (only) one of the sources used by Milli Görüş' council in their process of iftā’ (issuing fatwās), besides, for example, Diyanet as another source. In that case, the ECFR has a similar position within the fatwā council of Milli Görüş as it has within the association Imam B participates in.

The process in which the ECFR is consulted, like most processes of iftā’, often starts with a question coming from the Muslim community, according to Imam C. When the local imam and the main imam do not have an answer, the question will be referred to the council of Milli Görüş. But unlike Imam A, Imam C thinks everyone can turn to this council, they do not always have to go through this hierarchical system. But despite this, the Muslim community and the local imams do generally not consult the ECFR on their own. This is mainly due to a language problem:

‘Our imams are not thinking about that [consulting the ECFR, author] and they are also not capable of searching and finding the fatwās of the European Council. There is a language problem. Most Turkish imams do not speak or read Arabic fluently. They use Turkish resources, Turkish fatwās. The other language used by the ECFR is English, and knowledge of that language is also not common among Turkish imams.’ (Interview Imam C)

4.3.2.1 Examples of consulted fatwās

The previous information described the way in which the imams became familiar with the ECFR and nowadays consult the Council as a source of religious advice. But: what are the questions they are dealing with? And which ‘European fatwās’ did they consult? All three imams mention to be familiar with the ECFR’s fatwā on the start of Ramadan. This is a fatwā in which the ECFR allows the use of the controversial method of astronomical calculation to determine the first day of Ramadan instead of the empirical observation of the new moon by the naked eye, a method that is used by the majority of Muslims. The main argument for using astronomical calculation that has been given by the ECFR is that:

‘[...] the testimonies of individual witnesses constantly carry the element of imperfection, whilst astronomical calculations are sound and unequivocal, and the scholars have agreed that what is imperfect does not stand up to nor overtake what is deemed firm and sound’ (ECFR, 2002, 12).
For Muslims living in the Netherlands, the use of this method has advantages. First of all, while Muslims living in Islamic countries follow the observations of (national) religious authorities, the diverse backgrounds within the Dutch Muslim community and the absence of such an authority, makes it difficult to determine the start of Ramadan. Besides this, the Dutch weather might make it impossible to even observe the new moon. This is why astronomical calculations can offer a solution and determine a collective start of Ramadan for all Muslims living in the Netherlands (Sheishaa, 2001, 19). Imam A also mentions this need for a unified start of Ramadan and agrees with the arguments provided by the ECFR. Imam C, like Imam A, mentions that - based on a calculation - the headquarters of Milli Görüs instructs the imams when to start the Ramadan.

A second fatwā that is referred to by Imam B and C, is the fatwā on having an interest-containing mortgage (as has been discussed in chapter three). Imam C agrees with the ECFR that owning a house can be a need or necessity for Muslims, while Imam B disagrees with the reference to darūrā (necessity) in this case, for it is a concept that has always existed in Islam and is used in cases of exceptions, e.g. when someone is ‘living on the streets’. It should therefore not be applied when it is only meant to improve the quality of living.

The question on mortgage has been a ‘bottleneck’ to the Dutch Muslim community, according to Imam C. He says that this was also the case with questions on the adoption of European citizenship and this ‘bottleneck’ was solved when the ECFR issued a fatwā that allowed Muslims to integrate into European society, as long as they did not assimilate their religion (i.e. ‘integration without assimilation’ that is promoted by the ECFR). Related to this, al-Qaraḍāwī emphasized the universal character of Islam and the fact that it, as a religion revealed to the whole world, needs to be spread over different countries (Koningsveld & Shadid, 1996, 99).

A fourth example of references made to fatwās of the ECFR is given by Imam A, who refers to ongoing discussions on the use of gelatin (a substance that is derived from animal bones) in food. Even though the ECFR issued a fatwā that allows Muslims to eat this product by arguing that these ingredients go through a process of ‘chemical transformation’ and can therefore be considered ḥalāl (ECFR, 2002, 39), Imam A mentions that it is still studied and discussed among (religious) scholars within both the ECFR and the fatwā council of Milli Görüs.

Imam B mentions that he has consulted several other fatwās that address situations that have never occurred before and were studied by the ECFR. First of all, the questions of ‘shaking hands’ with the most discussed example being an imam who did not want to shake the hand of a female Dutch minister. Shaking hands is a common practice in
the Netherlands and the imam’s refusal led to an enormous amount of reaction. The VIN – the association of imams to which Imam B belongs - therefore discussed this questions and consulted the ECFR. They eventually adopted al-Qaraḍāwī’s fatwā that stated that shaking hands with a woman is only allowed when the woman is older and not able to have children anymore (as was the case with the minister) (Beck & Wiegers, 2008, 147-150).

Other examples of cases in which Imam B consulted the ECFR are related to the following questions: If a man undergoes a sex change and then decides to convert to Islam, is he regarded male or female? When a Muslim man is married to a non-Muslim woman and one of them dies, what are the prescriptions regarding the inheritance? When a non-Muslim friend dies, can a Muslim participate in the funeral ceremony?

The final question that was addressed by both Imams A and B relates to recent Dutch discussions (and eventually an accepted prohibition) on unanaesthetized ritual slaughter. In order for ritual slaughter to be halāl, the animal should die of blood loss and the use of anesthesia includes the risk of the animal dying before that moment (Beck & Wiegers, 2008, 105). Imam A mentions that they have organized different meetings related to these discussions and aimed to approach the question from different perspectives. Imam B devoted several sermons to the rules regarding ritual slaughter to provide the Muslim community with additional knowledge and to emphasize that Islam prohibits anesthetized slaughter.

4.3.3 Transmitting the ECFR’s religious advice

As mentioned in the previous section, Imam A consults the ECFR through Milli Görüş’ own fatwā council. Questions discussed in this fatwā council are answered by either their own investigation or by forwarding them to the ECFR. When a consensus on the right answer is reached, the results are passed on to the main imams of all 30 regions of Milli Görüş around the world. Then, the main imams are responsible for transmitting them to the local imams and eventually to the local Muslim community. To smoothen this process, twice a year the German headquarter organizes a meeting for all European imams (about 500 in total) to inform them on fatwās that have recently been issued or about difficulties and questions the Muslim community is currently dealing with. These meetings are meant to inform them, but also to make sure that all imams affiliated to Milli Görüş adopt a similar approach in dealing with these issues.

All important decisions made during the year that are not passed on during these meetings, will be provided to the main imams by means of a written account. Imam A, as one of these main imams, presents these written accounts and other important subjects
during his monthly meetings with the twenty imams of his region. During these meetings, the local imams discuss the new information and decide how and when to present it to the local Muslim communities, the final destination of Milli Görüş’ hierarchical system. Imam A describes the final stages in this process as follows:

‘During my monthly meetings with the twenty imams, I pass on the new decisions of the headquarter. Then it is up to these imams to pass them on during Friday prayer or during Ramadan, both times in which a lot of Muslims visit the mosque. By doing this, by passing the information on through a hierarchical system, the whole Muslim community can be informed within a relatively short period of time.’ (Interview Imam A)

While Imam A seems to regard a lot of the ECFR’s fatwās of central importance to the whole Muslim community, Imam B states that he only consults the ECFR to find an answer concerning questions asked by individual Muslims. Even though these questions are discussed in the Association of Dutch Imams, the answers are not transmitted to the whole community, but only to whom it concerns. He says:

‘A fatwā is an advice that depends on the situation a certain Muslim finds himself in and should only be given during a one-to-one conversation. A fatwā should never be given during a sermon, for that lecture is meant to remember people about the existence of the hereafter and to advise them how to worship Allah’ (Interview Imam B)

However, he does mention cases of general importance during his sermons, for instance on the discussion concerning ritual slaughter, like Imam A does. But unlike Imam A, Imam B does not provide the community with one answer, one advice to follow. He rather likes to present an overview of the opinions of different madhhabs, so each individual Muslim can decide which opinion he agrees most with. But, he acknowledges that this brings its own difficulties, mainly for the lay people unable to formulate their own opinion:

‘For the laymen it is the best to just follow one madhhab. It can be very confusing to them to be informed on different points of view, because they are unable to filter the information. When providing someone with an individual fatwā, I can estimate one’s knowledge based on the type of question asked and provide a suitable answer. It is because of these
individual differences that a fatwā should be given exclusively to an individual Muslim.’ (Interview Imam B)

Like Imam A, Imam C also mentions the fact that the fatwā council of Milli Görüs decides which fatwās should be transmitted to the Muslim community. To decide which fatwā suits the question best, this council consult various sources. In case a fatwā of the ECFR is chosen, its arguments and conclusion will be discussed - and possibly adapted - before transmittance. Within this discussion, the members of Milli Görüs’ fatwā council take both the legal arguments of the fatwā and the social aspects - of specific traditions existing within the Turkish community - into account. Imam C says about this:

‘What makes the council of Milli Görüs so special, is that the members keep the traditions of the Turkish community in mind. They analyze the differences between the Turkish and Arab communities and that is necessary, because most members of the ECFR come from the Arab world.’ (Interview Imam C)

When the council of Milli Görüs agrees upon issuing a fatwā, this can be in written form or by orally transmitting them. Imam C’s description of this process is similar to the way in which Imam A presents it. The important issues and issues of general concern will be provided in a written form and he passes these fatwās on to the local imams during their monthly meetings. It is then up to these imams to decide if, when and how they will pass them on to the local Muslim community.

4.3.4 Implementing the ECFR’s religious advice

In the previous two paragraphs, the imams’ experiences with consulting the ECFR and transmitting their fatwās have been presented. It is clear by now how they treat and value the work of the ECFR and how the ‘European fatwās’ arrive at the level of local Muslim communities in the Netherlands. Now, it is interesting to look at the things the imams had to say about the way in which the Muslim community reacts to these fatwās and the extent to which they implement them into their lives.

Imam A emphasizes that the Muslim community puts its trust in the imams and this trust makes that a certain fatwā is likely to be accepted by them when the imam presents it, even though people sometimes ask for further explanation or argumentation before accepting it. Imam A distinguishes the acceptation of a fatwā from the actual implementation of it and says that the majority of Muslims accepts the fatwās presented to
them, either directly or after getting some additional information, but the actual implementation of it is a choice that is up to the individual Muslims to make:

‘There is a part [of the community, author] that says: when my fatwā council [the council of Milli Görüş, author] has decided to pass on this fatwā, I will no longer think about it and just accept it, it is a finished subject, I trust them. But on the other hand, some will think: be it as it may, it just does not feel good, I will not do it. And that is a choice that is up to the individual to make.’ (Interview Imam A)

Imam B describes a similar situation in which it is up to the individual to implement a fatwā or not. When the imam is asked for advice, most of the times it is about a question concerning the permissible, ḥalāl, and the impermissible, ḥarām. He thinks that the questioners are likely to implement the fatwās into their lives, because the purpose of asking a question is to obtain an answer they can use. The imam notes, however, that there are people who try to keep asking questions until they get the answer ‘they are looking for’, but he regards it their own responsibility to decide to follow his advice or not. Whether the additional advice he gives during his collective lectures/sermons is implemented by the community, is not clear. Like Imam A, he emphasizes that he has a certain authority and every Friday, a large number of Muslims come to the mosque to hear his lecture. He thinks the most important factor for people to accept this advice or not, is the way he presents it:

‘The most important is the way in which the imam presents his message. Does he present it is a nice way or a very strict one? And the arguments and proofs he gives, are they clear? That is very important, the way in which you transmit a message, for it being accepted or not.’ (Interview Imam B)

He finally notes that people do not always provide feedback on his sermons, but he does not think that people who do not say anything automatically disagree with him. But even when they do not follow his advice and make a contrasting decision, it is their own responsibility.

Imam C also experiences that most Muslims react positively to the fatwās that are passed on to them. Especially in case of the fatwās on mortgages and citizenship, he remembers that it was a relief for them that these ‘bottlenecks’ were finally solved. There are, however, some people who prefer to follow the fatwās issued in the Islamic world,
because they do not see any differences between Europe and Islamic countries. When asked what he thinks about the actual influence of the fatwās of the ECFR, instead of those of Millî Görüs’ fatwā council, Imam C refers to the fact that some people keep looking for a fatwā that suits their situation best. He distinguishes between fatwās that are azīma (‘they are difficult to follow, but offer the best solution’) and rukhsa (‘easy to follow, but balancing on the line between the forbidden and the permissible’) and mentions that:

‘In most cases, people are looking for rukhsa’s, that what is permitted at least. They think: which door can I open to use these fatwās? I see people using the fatwās of the ECFR in that way.’ (Interview Imam C)

When asked what he thinks about this development, Imam C answers that the ECFR often receives the criticism that its fatwās are too easy. Critics often mention that the ECFR should also be thinking about the influence its fatwās will have in society and which effects they will have upon the religious lives of people and their behavior. Imam C does not elaborate on his own opinion and says that in the case of Millî Görüs, it is up to their own fatwā council to decide whether the ECFR has used the right sources and arguments that justify passing on the fatwā to the Muslim community.

4.4  Resultsection 2: Factors influencing an imam’s choice to turn to the ECFR

The previous resultsection has shown that the imams consult the ECFR on different occasions and that their choice to do this is, among others, influenced by their membership of a certain umbrella organization and the policy within that organization. But what are the other factors that make the imams turn to the ECFR for advice?

23 This distinction refers to the fact that a law (hukm) is an azīma, strict law, when it represents the law as it has been intended in the sources of Islam. A law is a rukhsa, concessionary law, when an exception is made based on specific circumstances. These concessions can be granted in four different categories: permitting a prohibited act on grounds of necessity; omitting an obligation if conformity to it causes hardship; allowing contracts that would normally be disallowed in the area of transactions; granting the Muslim community concession to rigorous laws that were imposed under previous revelations (Kamālī, 1991, 339-340).
4.4.1 The role of Muslims in the Netherlands

Nowadays, Muslims are living in a complex society according to Imam A. Within Milli Görüs, Muslims are aware of this complexity and are looking for advices to clarify certain questions. It is a community interested in the developments that are going on. Imam C agrees with this and thinks the ECFR fulfills the need of European Muslims to have an institution that aims to facilitate their lives and strives for leniency.

Imam B also mentions the complex situation European Muslims are living in and agrees with the ECFR's point of view that fatwās should help Muslims to integrate within European societies. Within Europe, this will help Muslims to provide a good example of 'being a Muslims' and to practice da'wa:

’You always have to be a good Muslim and provide the right example. My neighbors are non-Muslim, but I treat them with respect. That is also part of da'wa, not only lecturing them. [...] You cannot tell everyone: start following the prophet.’ (Interview Imam B)

4.4.2 The role of imams in the Netherlands

Imam A mentions that imams in Europe are the first persons Muslims turn to when they have questions. According to him, the imam's only task in Turkey is to lead the prayer, while the imam's function in the Netherlands covers 'everything' and this includes a large responsibility:

’Here you are a social consultant and a religious advisor. Everyone dealing with certain problems will come to you. They want your advice, your judgment, it is a large responsibility. [...] You are teaching Qur’ān lessons to the children, solve social and religious problems, it is a very difficult and responsible task.’ (Interview Imam A)

Imam B reflects on a similar experience:

’As an imam in the Netherlands, my function includes about forty tasks. I give lectures, lead the prayer, visit patients in the hospital. I get often involved in social disputes and have to solve people's problems. [...] I am working 24/7, people can always reach me for religious advice or to solve an argument between husband and wife.’ (Interview Imam B)
Imam B says that his function in the Netherlands differs a lot from the function he used to have in Morocco. He thinks this is mainly due to the fact that people in Morocco are willing to take up certain tasks, while Dutch Muslims consider the imam to be the person to fulfill these tasks.

Imam C, on the other hand, does not mention the differences between being an imam in the Netherlands and in the Islamic world. This might be related to the fact that he has never worked outside the Netherlands, and the fact that he works as an imam and ‘religious counselor’ in a prison institution and addresses an audience that differs from that in a mosque.

4.4.3 The role of *fatwās* in the Netherlands

At the start of the interview, Imam A provides his definition of *fatwā* as ‘shining a light on the lives of Muslims by using the Qur’ān and the tradition of the prophet’. He mentions that the Qur’ān is valid for all Muslims, but due to differences in culture, country and community, there exists a large range of interpretations. These differences can also be found within the ECFR, he says, for the members adhere different schools of thought (*madhhabs*). Imam A regards it the ‘richness of Islam’ that there are differences and that everyone is allowed to have different opinions as long as they are capable of arguing the choices they make. In case of Milli Görüs, however, he mentions that choosing to implement the *fatwās* of the ECFR is a choice made to reach a level of uniformity within the European Muslim community:

‘The differences exist. You cannot say that someone is right and the other wrong, that is difficult. It is just about choosing uniformity or not.’

(Interview Imam A)

So, during the process of *iftā’* within the ECFR, differences will occur and be discussed and that is the richness of Islam, but the results of this process, i.e. the *fatwās*, will provide an advice that can contribute to the creation of a universal Islam within the European Muslim community.

Imam B describes a similar position regarding the differences that are allowed to exist within Islam. He says that everyone has the freedom to reach his own conclusions, but this freedom will lead to differences:

‘Within Islam there is *ijtihād*. You are free to give your own judgment, but you need a certain level of education to do this. This freedom causes
scholars to disagree, because of their different interpretations, and that will lead to, well, not friction, but a difference in opinion.' (Interview Imam B)

Imam A mentions that with the changing circumstances Muslims are living in, the process of issuing fatwās has also changed. Imam B also mentions the fact that the main difference between issuing fatwās in the Islamic world and in Europe is that some situations occur in Europe that have never been experienced before. These are difficult issues to deal with and should be addressed by institutions like the ECFR. Imam A adds that decisions can no longer be made solely based on religious grounds, but should also be studied by taking into account different scientific perspectives. He refers to the discussion concerning religious slaughter:

‘Like with the issue of religious slaughter, there are a lot of fatwās. They exist, but now you have to look from a different perspective. Like I said, you use the perspective of food science, chemistry, health sciences. And then you will look at the validity of the fatwās that already exist and decide to maintain them or reinterpret them according to the new situation’ (Interview Imam A)

By basing a fatwā on the study of different perspectives, scholars try to make the ‘right choice in the right way’, according to Imam A. And this is needed, because especially in contemporary times, scholars have a large responsibility to provide European Muslims with advice:

‘As a fatwā council, you have an important responsibility. On the one hand, it is a responsibility to the Muslim community waiting for an answer, for you should not provide them with a wrong fatwā. On the other hand, it is a responsibility to Allah, for you have to justify the decisions you make in the hereafter.’ (Interview Imam A)

Imam C also refers to this responsibility, mainly because of the fact that he thinks the ECFR issues many fatwās based on rukhsa (concessionary law) and, related to that, the concept of darūra (necessity) and the idea that following Islamic law should not cause hardship. Contemporary fatwā councils have a large responsibility in dealing with darūra in an appropriate way and in the right situations. So, in Europe, he says, fatwās should deal with European society and the needs of European Muslims, but also with the sources of Islam.
4.5 Resultsection 3: The ECFR and Moroccan Muslims in Europe

The information presented in this paragraph has been provided by Respondent D who is both a boardmember of FION (Federation of Islamic Organizations in the Netherlands) and the Council for Moroccan Mosques in the Netherlands (Raad van Marokkaanse Moskeeën Nederland (RMMN)).

4.5.1 The ECFR’s establishment

Respondent D was engaged in debates surrounding the establishment of the European Council for Fatwa and Research from the start. In the 1990s, he participated in discussions in which different European Islamic organizations participated, among which FIOE and FION. All organizations acknowledged that the classical madhhabs did no longer offer a solution to contemporary problems and as long as European Muslims kept following these schools of thought, it would be very difficult to further develop Islam in the West. The creation of the ECFR was ambitious, Respondent D says, for it would become an organization embracing all Muslims living in Europe:

‘The best characteristic of this fatwā council, is that it exists for all Muslims. It does not matter whether you are Turkish, Moroccan, Egyptian or a converted European. That was the start of the council, we discussed that a lot. We said: we want to disconnect from Islamic countries. We need to address contemporary problems from a new perspective, otherwise people might chose to abandon Islam for it has become too difficult to follow.’

(Interview Respondent D)

At the start, the ECFR achieved their goals by constantly discussing all issues European Muslims were dealing with. Respondent D mentions that in the Netherlands, different mosques became engaged in the debates and started to adopt the Council’s fatwās. He does, however, not provide any examples of these fatwās.

4.5.2 The ECFR’s decreasing influence

When asked about the influence the ECFR nowadays has among Muslims living in the Netherlands, Respondent D answers that in his opinion most Muslims are not familiar with the Council and do not use its fatwās. He blames this to a number of factors. First of all, the ECFR had planned to become publicly known through their yearly meetings that would be held in different European countries. This became a problem after 9/11, he says, when
European governments refused to provide a number of scholars with visa. This was mainly the case for Yusuf al-Qaraḍāwī, whose controversial fatwās - for example on Palestinian suicide bombings against the Israelis - are often mentioned as the main reason for countries like the United Kingdom to not let him in. These fatwās that al-Qaraḍāwī personally issued put ‘an enormous pressure on the ECFR’, according to Respondent D. He also criticizes the fact that al-Qaraḍāwī, as a non-European scholar, has been appointed president in the first place. This is a point of view that resembles the opinion of al-Rawī (In: Johansen-Karman, 2008, 70-71), who, like Respondent D, was involved in the establishment of the ECFR and thinks that a European Council like this should also have a European president.

4.5.3 The current situation in the Netherlands

So, according to Respondent D, the ECFR did not succeed in becoming the main fatwā body for Muslims in Europe – despite their good start – and Muslims are therefore still in need for Muslim authorities who can help them to integrate their religion in Europe. In the Netherlands, Respondent D aims to fulfill this function by further establishing the RMMN. This council will offer structure to the Moroccan mosques, that often lack a mission statement, vision and policy. The policy of the RMMN is aimed at providing the Moroccan Muslim community in the Netherlands with a full Dutch citizenship and with a religious tradition they ‘can be proud on’. This will be ‘a Dutch Islam, based on the Maliki school of thought, that respects others, but also asks the others’ respect’. Respondent D says:

‘We are Malikis and as long as the fatwā council is not active, not really working for the European Muslims – despite all political issues – as long as it does not fulfill its original role, we just have to concentrate on the creation of a certain unity. And that means returning to the Maliki school of thought and trying to base ourselves on the time of the classical scholars’

(Interview Respondent D)

24 An article on the UK refusing to grant al-Qaraḍāwī a visa in 2008 can be found at http://www.timesonline.co.uk/tol/news/uk/article3325439.ece (consulted September 4th, 2011). Recently, he is also denied entrance to Ireland, where the headquarter of the ECFR is based: http://www.irishcentral.com/news/Controversial-Muslim-cleric-again-denied-entry-visa-to-Ireland---127219728.html (consulted September 4th, 2011).

66
4.5.4 The current situation in Europe

This trend of returning to the classical school of thought adhered by the country of origin, is also finding its way within Europe, Respondent D says, because recently, the Moroccan government decided to establish its own fatwā council in Brussels. Respondent D thinks the establishment of this council (and similar initiatives by other countries) is based on a feeling of nationalism and the fear that the ECFR’s influence will become too large – despite the fact that, according to Respondent D, this influence is only decreasing. Even though Respondent D regards the existence of a European council the best solution, he thinks that nowadays - in the absence of its influence - Moroccan Muslims are in need of a council that will at least unite the Moroccan community:

‘We have to create a unity. Otherwise problems will arise and people will turn to shaykh Google, as I call it. When you do not create some structure, people will act as their own shaykh and search their own fatwās. This will lead to a division within the Muslim community that can cause enormous problems. (Interview Respondent D)

4.5.5 The future of Islam in Europe

The developments that are going on nowadays, both in Europe and in the Islamic countries, will eventually contribute to the creation of stability within the Muslim community, according to Respondent D. In the future, this stable situation will be the basis upon which a cooperation with other Muslim communities can be established. There already exists some kind of cooperation between the RMMN and the Turkish Diyanet and Respondent D hopes that someday, a new fatwā council will be created that is based on this cooperation. He expresses his hope that in fifty or a hundred years, Islam will have its own European roots and scholars:

‘That is the hope, but also the goal we are working for. A religion without scholars is nothing. Then shaykh Google will become a kind of ‘alim [religious scholar, author] and that is just not possible. As long as you do not have a fixed religious authority, an individual scholar or an institution to answer questions and provide good advice, society will keep experiencing all kinds of trouble and people with no education at all will start to fill in this gap by creating their own fatwās.’ (Interview Respondent D)
4.6 Conclusion

In result sections 1 and 2, the information provided by the three Dutch imams that were interviewed has been discussed within two categories: the way in which they refer to the ECFR and the factors that influence their choice to consult the ECFR and transmit its fatwās. This information is summarized and combined within this current paragraph to provide a framework in which the imams’ choices can be explained. This framework is shaped by the three stages in which the imams refer to the ECFR, i.e. consultation, transmittance and implementation.

The presupposition that all three imams are familiar with the existence of the European Council for Fatwa and Research, was confirmed during the interviews. However, they refer to the ECFR in different ways. Imam C expresses the most positive judgment by saying that Muslims were in need of an institution like the ECFR and it is therefore very important to consult this Council. Imam A and B restrain from providing a value judgment and refer to the ECFR in a formal way as, respectively, a partner organization of Milli Görüş and as one of the sources consulted by the Association of Dutch Imams (VIN). Furthermore, Imam B and C mention that they have personally consulted the ECFR’s books and/or website. Imam A did not.

The way in which the imams consult the ECFR depends on certain factors. Some factors are directly mentioned in the interviews, some are indirectly referred to. The most important factor – mentioned directly by the imams - to consult the ECFR, is their affiliation to a certain umbrella organization. Imam A’s reference to the ECFR fully depends on the decisions made by the fatwā council of Milli Görüş. He follows their decisions and by doing that, he hopes to contribute to the adoption of a common approach among all imams within the organization. Imam B follows the decisions made within the VIN, including its choice to consult the ECFR in case an unprecedented question is addressed. Imam C, like Imam A, follows the decisions made by the fatwā council of Milli Görüş, but he also personally consults the ECFR - as an ‘independent institution capable of providing him with well argued advices’ – and therefore seems to be less influenced than Imam A by the wish to adopt a common approach within Milli Görüş.

Besides being affiliated to an umbrella organization, the decision to consult the ECFR is also based on the way in which the imams think about the role of Muslims in the Netherlands. They all think that European Muslims are living in a complex situation in which they are in need of religious advice that addresses the specific circumstances they are living in. The fatwās issued by the ECFR in many cases fulfill this function. Imam B specifically mentions that the fatwās of the ECFR might help Muslims to integrate their
religion into Dutch society and that this will enable them to perform *da’wa* and become a ‘role model’. Imam C thinks that the cooperation between the ECFR and the *fatwā* council of Milli Görüs can contribute to this by taking both the legal aspects and the traditions of the Turkish Muslim community into account and issue a *fatwā* that specifically addresses the problems they experience.

By referring to integration and *da’wa*, Imam B ascribes a certain function to the ECFR’s *fatwās*. A specific view like this on the role of *fatwās*, can also be regarded a factor influencing the choice to consult the ECFR. As mentioned before, Imam A ascribes *fatwās* the function of creating unity among the Muslim community. Within Europe, he regards it important for Muslims to adopt a common approach in dealing with problems, and *fatwās* - especially those of the ECFR - function as a means to reach this commonality and unity. Within this view, Imam A consults the *fatwās* of the ECFR - although mediated by the *fatwā* council of Milli Görüs - in case a certain issue divides the Muslim community. Imam B, on the other hand, places more emphasis on the individual needs of Muslims in contrast to their collective needs. He thinks a *fatwā* should not be given to reach a common goal like unity, but should be adjusted to individual situations. It is therefore in case of individual questions that he consults the ECFR. Finally, Imam C refers to the role of the ECFR’s *fatwās* as advices aimed to make Muslims’ lives easier. To him, that should be the main role of *fatwās* in Europe and because the ECFR is able to provide them, they are fulfilling a very important but difficult task.

The imams have also mentioned different examples of cases in which they have consulted the ECFR or were in need for the ECFR to provide a *fatwā*. First of all, they mention questions concerning interest-containing mortgages. Imam C says that this case has been a ‘bottleneck’ to the Muslim community - like the question on European citizenship - that was finally solved with the adoption of the ECFR’s *fatwā* on it, while Imam B also consulted the *fatwā* but did not to agree with the arguments used. He did also consult the *fatwās* on shaking hands and people undergoing a sex change. The other issues that the imams mention are, for example, questions on permissible food, non-Muslim funerals, interreligious marriage and religious slaughter. It is not clear whether they actually consulted and/or adopted the ECFR’s *fatwās* in these cases, because Imam A mainly refers to the fact that there are ongoing discussions within both the ECFR and the *fatwā* council of Milli Görüs on these issues and Imam C only refers to them as being examples of questions that may possibly arise in Europe.

The above mentioned factors contribute to the choices the imams make to consult the ECFR or not. In some cases, after consultation, they decide to pass the *fatwās* on to the local Muslim community. But on what factors do they base this choice to transmit the
fatwās? Imam A and C mainly follow the decisions made by Milli Görüş and therefore, again, base themselves on the factor of adherence to an umbrella organization. Imam B makes this choice by considering whether in a specific case the fatwā of the ECFR suits the situation best or not. This latter decision is also related to the type of question asked, a factor that is important to the other two imams too. According to Imam B, the question asked already shows which type of answer is needed and whether the questioner should be provided with one clear guideline or different elements to consider. Imams A and C think that some questions are in need of an answer that corresponds to the traditional religion within the Milli Görüş community. In that case, the fatwā council of Milli Görüş might decide to still use a fatwā of the ECFR - that is often more aimed at the Arabic community, according to Imam C - but will adapt its contents before transmitting it to the local communities.

A third factor the imams describe, is more related to the way in which they transmit the fatwās and encompasses their view on the role of imams in the Netherlands. Within their function as imam, they distinguish two roles: being a preacher and being a counselor. As a preacher, Imam A thinks it is part of his job to pass on fatwās during the Friday sermons. These are often fatwās addressing general problems and by transmitting them during the sermon, the imam hopes to reach a large amount of Muslims at the same time and provide them with a common point of view. Imam B, on the other hand, disapproves this practice and regards it his function as a preacher to dedicate the Friday sermon to God and the here-after. He does discuss collective issues within the sermons, but does this by presenting different Islamic perspectives related to them and not by giving a fatwā. He thinks the practice of transmitting fatwās is solely meant to take place within his function as religious counselor during one-to-one conversations with the questioners. Imam A also refers to this function and the fact that he is very often addressed to give advice. Both Imam A and B say that in some cases they are able to provide an immediate answer - based on references to previously issued fatwās - but in other cases they decide to forward the question to an institution like the ECFR that is able to make decisions based on collective ijtihād. To Imam B, the specific decisions that have to be made in this process, make it necessary to deal with fatwās on an individual basis. Imam C does not express a clear opinion and says that it is up to individual imams to decide in what way they will transmit the fatwās.

After consulting the ECFR and transmitting a selection of their fatwās, the imams say it is the responsibility of the Muslim community to implement them into their lives. However, in the case of - for example - the fatwā concerning the common start of Ramadan within Milli Görüş, the implementation of it is imposed by the umbrella organization. In
most other cases, the imams do not know whether the implementation is really taking place, they only notice if someone accepts a fatwā or not. Imam B and C describe the community's positive reaction to the fatwās transmitted to them, especially those that provide them with a solution to problems that acutely need to be solved. The factor that Imams A and B regard to be influential within this stage, is the authority of the imam and the way in which he transmits the advices. They think that when people put trust in the imam’s knowledge and authority, they are more likely to accept and eventually implement the fatwās he provides them with. In case of fatwās issued by the ECFR, Imam C refers to an influential factor that includes the amount of leniency that these fatwās offer. He says that the fatwās of the ECFR are easy to follow – and characterizes them as rukhṣa (concessionary law) - and thinks that most Muslims are looking for this type of fatwās and are therefore likely to implement them.
CONCLUSION

What can be said about the actual influence of the fatwās of the ECFR among Muslims in Europe, and especially among Muslims living in the Netherlands, according to existing literature and an exploratory qualitative study among imams in the Netherlands?

Within this thesis, this question has been addressed by, first of all, the creation of a theoretical framework in which reforms within Islamic thinking have been displayed from the nineteenth century onwards. During that period, al-Afghānī, Abduh and Riḍā noticed the weak position of the Muslim community to be in contrast to the hegemony of Western thought and politics and started an inner revival of Islam based on a renewed interpretation of the Qur’ān and Sunna to counter this. One of the important characteristics of their reform movement was the emphasis they placed on the universal character of Islam. They regarded Islam a world religion that is suitable for all people, all times and all cultural conditions. Within this context, the sources of Islam have to be reinterpreted in light of modern circumstances. This can be done by ‘returning’ to the Islam of the predecessors (salaf), by contextualizing the Qur’ānic message in history and by taking into account the circumstances people are nowadays living in.

The reformist thought of al-Afghānī, ‘Abduh and Riḍā influenced the attitude of Egyptians towards modernity, but, according to al-‘Alwānī, their reformation has failed on the long term because it did not encompass all causes leading to the Muslim community’s weak position. Instead, al-‘Alwānī suggests that a comprehensive ‘Islamization of knowledge’ should take place. This is a process in which a ‘combined reading’ of the Islamic legacy on the one hand, and the human legacy on the other hand is promoted. A second important scholar who, in the twentieth century, continued the reformation started by al-Afghānī, ‘Abduh and Riḍā, is al-Qaraḍāwī, who promotes an Islamic awakening that resembles al-‘Alwānī’s efforts, but additionally takes the classical legal legacy - that has been established by early jurists - into account.

The joint effort of al-‘Alwānī’s and al-Qaraḍāwī led to the development of fiqh al-aqalliyyāt, a jurisprudence specifically dealing with the situation Muslim minorities are living in. This fiqh prefers leniency over strictness, emphasizes the public interest (maslaha) within its decisions and is compatible with contemporary knowledge and science. Within the framework of his reformist thinking, al-‘Alwānī eventually aims to constitute a whole new field of fiqh – based on an open system of jurisprudence that can
be developed according to social changes - and regards the branch of *fiqh al-aqalliyyāt* to be a case-study within this.

A pragmatic approach to this jurisprudence for Muslim minorities can be found within the European Council for Fatwa and Research (established in 1997) that adopted *fiqh al-aqalliyyāt* as the theoretical basis for their work. In a time characterized by a ‘crisis in authority’, this Council aims to become the sole authority for Muslims in Europe to turn to. They aim to contribute to ‘integration without assimilation’, to create unity among European Muslims and encourage them to keep fulfilling their religious duties. They do this by issuing *fatwās* - that include elements of leniency, public interest and necessity - that are the results of a process of selective and innovative *ijtihād* in which both the religious sources and the contemporary situation are taken into account. However, to achieve its goals, the ECFR must be able to actually influence the European Muslims community. This community should be aware of the ECFR’s existence and be willing to implement its decisions into their lives. But did the ECFR manage to become the sole Islamic authority for them and have the intended influence?

**The influence of the ECFR among Muslims in the Netherlands**

This questions has, first of all, been addressed within existing literature, in which a large diversity of opinions is represented. Some think that the Council is an influential authority for European Muslims, and base this on the fact that they observe an increasing number of Muslims addressing the Council for advice. On the other hand, some scholars think the ECFR has failed in becoming the influential *fatwā* institution they aimed to be. They blame this to a lack in visibility of the ECFR’s work – both in society and on the Internet –, the fact that the Council’s only communication is in Arabic, and think that the Islamic ‘counterpublic’ of Muslim minorities that the Council addresses might be a public that European Muslims do not identify themselves with.

The exploratory qualitative study conducted in this thesis provided information that elaborates more upon the existing points of view on the ECFR’s influence, by introducing the position of three Dutch imams and a boardmember of a Dutch mosque organization. The results of this study show that the imams have consulted the ECFR on multiple occasions – either personally or mediated by their umbrella organization – and the *fatwās* have been transmitted to the local Muslim community. This has mainly been the case when unprecedented questions were addressed. Generally speaking, the imams regard the ECFR ‘one of the sources’ they can turn to when they are looking for religious
advice. The imams working for Milli Görüs mentioned its own *fatwā* council that eventually decides to adopt the ECFR's *fatwā* or not, while the Moroccan imam makes this decision within the Association of Dutch Imams. In all cases, the Council did not become the sole Islamic authority for them to turn to, even though that is something the ECFR aimed.

So, the imams are familiar with the ECFR and consult and transmit some of its *fatwās*, but the Council is not as influential as it aims to be. This might be related to some factors that influence the imams in their decision to turn to the ECFR or not. These factors are their opinions related to the role of *fatwās*, to the situation Muslims in the Netherlands are living in and to the type of questions that are asked. Especially in case of the Turkish Muslim community, the imams mention that the ECFR's *fatwās* sometimes have to be adapted before they can be applied. Besides that, there is also the problem of language, like Johansen-Karman also mentioned, in which the Council's communication in Arabic makes it impossible for most Turkish imams to consult its *fatwās*.

A different approach to the factors related to the ECFR's (decreased) influence in the Netherlands, is provided by Respondent D. He recalls the fact that in the early years of its existence, the ECFR succeeded in becoming an influential *fatwā* body, but due to the fact that some scholars are no longer allowed to visit Europe, the Council soon lost this position. Respondent D mainly blames this to al-Qaraḍāwī and the controversial *fatwā* he personally issued. He thinks that the Council could have been a unifying force among European Muslims and contribute to the creation of a European Islam, but with the decreasing influence of the ECFR nowadays, Muslims have to deal with their problems in another way.

To fill the gap that the ECFR left, Respondent D tries to establish this unity on a local level by expanding the influence of the Council for Moroccan Mosques in the Netherlands. He furthermore observes that in the absence of an influential European *fatwā* council, Muslims often return to the opinions expressed within the *madhhabs* adhered by their country of origin. This trend is also noticed by different Islamic countries, among which Morocco, who nowadays establishes its own Malikite *fatwā* council – that is specifically aimed at European Moroccans - in Brussels. Even though Respondent D thinks that Muslims are in need for a development like this is, he hopes that eventually all these national *fatwā* councils – those that already exist and those that will be established in the near future - will start cooperating and in that way attempt to establish a new European *fatwā* council in which all Muslims are represented.

So, the results of the qualitative study show that the actual influence of the ECFR in the Netherlands is existing, but is less than the Council aims it to be. However, it can also
be mentioned that none of the respondents expressed a negative judgment on the actual work of the ECFR. They all think the ECFR contributes (or has contributed, according to Respondent D) to the creation of a European Islam, but not to a large extent. The fact that the ECFR does not have the influence it intends to have, is also expressed in literature, but do the arguments that scholars provide resemble the factors described by the imams? One of the scholarly arguments that the interviews confirmed is the fact that the difficulty related to the ECFR’s communication in Arabic is one of the factors based on which people might not consult its fatwās. However, a second scholarly argument, that the lack of visibility that the ECFR experiences in society and on the Internet relates to its limited influence, is only confirmed by Respondent D who thinks the Council could have become well known through its yearly assemblies that should be organized across Europe. The imams themselves do not mention the Council’s lack in visibility, for they are all familiar with the Council’s existence and know how to contact them if necessary. The final argument found in scholarly literature, that European Muslims might not feel addressed by the ECFR, because they do not identify themselves with the ‘counterpublic’ that the Council created, is also countered by the interview data. In contrast to this statement, the imams adhering to Milli Görüş do regard the Turkish Muslim community in Europe to be part of the ‘public’ that the Council addresses. This is affirmed by the cooperation between the ECFR and the fatwā council of Milli Görüş. And even though the fatwā council of Milli Görüş has to adapt some of the ECFR’s fatwās to make them suitable for the Turkish community, they think the ECFR is an important institution.

**Suggestions for further research**

The exploratory qualitative research conducted with this thesis has contributed to provide a preliminary answer to the research question. Within further research, a continuation of this research can contribute to the expansion and specification of a typology encompassing the factors influencing imams’ choices to turn to the ECFR for advice. Besides that, it would be interesting to further elaborate on the factors that led to the difference between the influence the ECFR actually has versus the influence it intends to have.

Another interesting development that deserves future scholarly attention, is the establishment of new European fatwā bodies - referred to by Respondent D – that aim to replace the ECFR and target a specific group of Muslims living in Europe, i.e. groups having the same religious and ethnic background as these new councils. Both Diyanet and the
fatwā council of Milli Görüş can be regarded an example of this process, for they issue fatwās aimed at a specific religious community. In this way, they are contributing to the creation of their own fiqh (al-qalliyyāt), like all new fatwā councils seem to intent. With the theoretical framework provided in the first part of this thesis in mind, it is interesting for researchers in the field of Religious Studies to elaborate on the way in which these new fatwā institutions and other Islamic organizations in Europe base themselves upon concepts referred to by al-‘Alwānī and al-Qaraḍāwī in the context of their fiqh al-aqalliyyāt project. How do they combine elements of Islam and contemporary European society to come up with advices Muslims can actually apply? And probably the most important question: do these institutions succeed in becoming influential fatwā bodies for Muslims living in Europe?
ABSTRACT IN ENGLISH

This thesis is centered around the work of the European Council for Fatwa and Research (ECFR). This council was founded in 1997 and aims to ‘guide’ European Muslims on the path of Islam and facilitate their lives by means of issuing fatwās, religious advices. The ECFR’s work can considered to be part of a larger framework of reformation movements within Islam that have started in the nineteenth century with the efforts of al-Afghānī, ‘Abduh and Riḍā.

At that time, these reforms provided a reaction to the Western colonial influence experienced within the Islamic world. A revival of the spirit of reformation came up in the 1980s due to the large amount of Muslims permanently settling in the non-Islamic West because of labor migration. The situation they were now living in, no longer corresponded to the situation addressed by Islamic law and they experienced difficulties related to finding a balance between maintaining their religious identity and integrating in this new, Western societies.

This situation caused the scholars Ṭāhā Jābir al-ʿAlwānī and Yusūf al-Qaraḍāwī to come up with ideas for the reform of Islamic thought. Their common efforts eventually led to the development of fiqh al-aqalliyyāt, a branch of Islamic jurisprudence specifically aimed at Muslim minorities. Some of the important concepts applied within this jurisprudence are the ‘combined reading’ (of both the Qur’ān, the circumstances in which the Qur’ān was revealed, and the circumstances Muslims are living in today) and the facilitation of the lives of Muslim minorities by taking the public interest into account.

This jurisprudence for Muslim minorities has been officially adopted the theoretical ground on which the ECFR basis its work. In this way, the ECFR – that aims to become the sole fatwā council for Muslims in Europe – contributes to this project by bringing its theory into practice.

The central research question of this thesis related to this subject, is: What can be said about the actual influence the European Council for Fatwa and Research has upon Muslims living in the Netherlands? This question has been answered by means of an exploratory qualitative study among three Dutch imams. The results of this study show that these imams are familiar with the ECFR’s presence and they also - personally and/or by intervention of an umbrella organization - consult this Council at certain moments. But despite this, the research results showed that the ECFR did not succeeded in becoming the sole fatwā council for European Muslims. The imams refer to it as ‘one of the sources’ they consult. The interview with a board member of the Council of Moroccan Mosques in the
Netherlands (RMMN) also shows similar results. He explicitly refers to certain factors that contributed to the fact that the Council’s influence has decreased. Nowadays, he observes a new development within Islamic countries who try to establish their own European *fatwā* councils in absence of the ECFR’s influence. These councils, who’s opinions are based on one of the Islamic schools of thought, aim at providing religious advice for Muslim communities with a specific religious or ethnical background.
ABSTRACT IN DUTCH


Waar de hervormingen op dat moment ontstonden als reactie op de Westerse koloniale invloeden in islamitische landen, was er vanaf de jaren ’80 van de twintigste eeuw vraag naar hervormingen gerelateerd aan het feit dat een groot aantal moslims zich naar aanleiding van de arbeidsmigratie permanent gevestigd had in de niet-islamitische Westerse wereld. Doordat de leefsituatie van deze moslims niet langer meer overeenkwam met de situatie waarop de islamitische wetgeving gebaseerd is, ervoeren deze moslims problemen in het vinden van een balans tussen het behoud van hun religie en de integratie in een Westerse samenleving.

Deze situatie vormde de aanleiding voor de geleerden Ţāhā Jābir al-‘Alwānī en Yusūf al-Qaraḍāwī om vanaf de jaren ’80 te werken aan hervormingen binnen het islamitische denken. Hun inspanningen leidden tot de introductie van fiqh al-aqalliyyāt, een islamitische jurisprudentie die specifiek gericht is op moslim minderheden. Een aantal belangrijke concepten die gebruikt worden binnen deze nieuwe wetgeving zijn een ‘gecombineerde lezing’ (van zowel de Koran, de omstandigheden waarin de Koran geopenbaard werd en de huidige omstandigheden waarin moslims leven) en het vergemakkelijken van het leven van moslims door rekening te houden met het algemeen publieke belang.

Deze minderhedenjurisprudentie werd in 2004 aangenomen als het kader waarbinnen de ERFO haar werk plaatst. De ERFO - die tot doel heeft een plaats te verwerven als unieke fatwā-raad voor moslims in Europa - kan gezien worden als een initiatief dat deze theorie in de praktijk brengt.

De vraag, gerelateerd aan deze ontwikkelingen, die in deze scriptie centraal staat is: Wat kan er gezegd worden over de daadwerkelijke invloed van de Europese Raad voor Fatwa en Onderzoek op moslims in Nederland? Deze vraag is beantwoord door middel van een verkennend kwalitatief onderzoek onder drie Nederlandse imams. De onderzoeksresultaten lieten zien dat deze imams bekend zijn met het bestaan van de fatwā-raad en deze ook op bepaalde momenten geconsulteerd hebben, hetzij persoonlijk,
hetzij via een koepelorganisatie. Toch is de ERFO er niet in geslaagd om voor deze imams de enige fatwā-raad te zijn die geraadpleegd wordt. De ERFO wordt door hen voornamelijk beschreven als ‘één van de bronnen’. Ook het interview met een bestuurslid van de Raad van Marokkaanse Moskeeën Nederland (RMMN) laat eenzelfde beeld zien. Hij beschrijft verschillende factoren die bijgedragen hebben aan het verminderen van de invloed van de ERFO. Ter compensatie van dit verlies neemt hij waar dat islamitische landen op dit moment zelf Europese fatwā-raden oprichten die tot doel hebben om, met hun nadruk op één van de islamitische wetscholen, moslimgemeenschappen met een specifieke religieuze en etnische achtergrond van advies te voorzien.
Abou El Fadl, K. A. (1994a)  

Abou El Fadl, K. A. (1994b)  


Adams, C.C. (1933)  

Afghānī, S. al-Dīn al- (n.d.)  

*Towards a Fiqh for Minorities.* London: International Institute of Islamic Thought.


Amrani, S. (2009)  
Bahay, M. el- (1936)

Muslim Minorities. Fatawa Regarding Muslims Living as Minorities. Hounslow: Message of Islam.


Imam in Nederland. Opvattingen over zijn Religieuze Rol in de Samenleving. Amsterdam: Bert Bakker.


Rethinking Tradition in Modern Islamic Thought. Cambridge: University Press.

Bruijn, J.T.P. de (2000)

Bruinessen, M. van. (2003)

Caeiro, A. (2003)

Caeiro, A. (2008)

Caeiro, A. (2010a)
Caeiro, A. (2010b)  

Caeiro, A. (2011)  

Caeiro, A. & Saify, M. al- (2009)  

Charmaz, K. (2008)  

Muslim Politics. Princeton: University Press.


First Collection of Fatwās. Cairo: Islamic INC.

European Council for Fatwa and Research (2009)  
Second Collection of Fatwās. Caeiro: Islamic INC.


Gräf, B. (2008)


Haddad, Y. (2005)


Hallaq, W. B (2009)
An Introduction to Islamic Law. Cambridge: University Press.

Hourani, A. (2008)


Kamali, M. H. (1991)

Keddī, N. (2005)

Koningsveld, P. S. van (1995)

Koningsveld, P.S. van (2006)

& Koningsveld, P.S. van (eds.). Political Participation and Identities of Muslims in non-Muslim States. Kampen: Kok Pharos, 84-114.


Maréchal, B. (2008)


Qaraḍāwī, Y., al- (2001)


Riḍā, M.R. (n.d.)

Ryad, U. (2009)  

Saeed, A. (2011)  

Saifī, M.S.A. al- (2002)  


Schacht, J. (1964)  

Schlabach, J. (2009)  

Sheishaa, M. A. M. (2001)  


APPENDIX A – INTERVIEW QUESTIONS (IN DUTCH)

1. **Kennismaking**

   1.1 **Kunt u mij iets vertellen over uzelf?**
   
   1.1.1 Hoe ziet uw levensloop er uit?
   
   1.1.2 Welke opleiding heeft u genoten?
   
   1.1.3 In welke functie bent u tegenwoordig werkzaam?

   1.2 **Kunt u mij meer vertellen over uw werkzaamheden in de moskee en uw positie binnen de moslimgemeenschap?**
   
   1.2.1 Wat zijn de doelstellingen van de organisatie/moskee?
   
   1.2.2 Op welke manieren staat u in contact met de Nederlandse moslimgemeenschap?
   
   1.2.2.1 moskee, stichting, debat, etc.
   
   1.2.3 Hoe ziet u uw rol als imam in Nederland?

2. **Bekendheid met de Europese Raad voor Fatwa en Onderzoek**

   2.1 Mijn onderzoek gaat over de Europese Raad voor Fatwa en Onderzoek. Waar denkt u aan als we het hebben over deze raad?
   
   2.1.1 Is de ERFO een begrip voor u?
   
   2.1.2 Wat vindt u belangrijk aan het werk van de ERFO?
   
   2.1.3 Wat betekent de Fatwaraad voor u?

   2.2 Hoe bent u in aanraking gekomen met de Europese Fatwaraad?

   2.3 Heeft u persoonlijk of via de moskee contacten met de Europese Fatwaraad?
   
   2.3.1 Zo ja; welke contacten zijn er?
   
   2.3.2 Zo nee; waarom zijn er geen contacten?

3. **Implementatie van de adviezen van de Fatwaraad**

   3.1 Welke fatwās heeft u in gedachten wanneer het gaat om de ERFO?
   
   3.1.1 Waarom zijn juist deze fatwās zo belangrijk voor u?
   
   3.1.2 Wat maakt andere fatwās minder belangrijk?

   3.2 Via welke bronnen blijft u op de hoogte van de adviezen van de Fatwaraad?

   3.3 Maakt u gebruik van de fatwās?
   
   3.3.1 In uw eigen geloofsgemeenschap?
   
   3.3.2 En binnen uw (koepel)organisatie?
   
   3.3.3 Wat is het beleid van de organisatie inzake fatwās van de ERFO?
3.3.3.1 Kunt u hier voorbeelden van geven?
3.3.4 Welke waarde hebben de fatwās voor u persoonlijk?

3.4 Op welke manier geeft u uw kennis over de Fatwaraad door aan andere moslims?
3.4.1 Zo niet; waarom niet?
3.4.2 Zo ja; op welke fatwas legt u dan de nadruk?
3.4.3 Ziet u het als uw verplichting om deze kennis door te geven?
   3.4.3.1 Zo ja: waarom?
   3.4.3.2 Zo niet: waarom niet?
3.4.4 Hoe reageert de moslimgemeenschap op de adviezen die u doorgeeft?
   3.4.4.1 Wat zijn uw ervaringen daarmee?
   3.4.4.1 Is er weerstand, dankbaarheid, etc.?

4 Opvattingen over de methodologie van de Europese Raad voor Fatwa en Onderzoek

4.1 De Fatwaraad streeft ‘integratie zonder assimilatie’ na. Wat vindt u hiervan?
   4.1.1 In hoeverre sluit dit uitgangspunt aan bij uw eigen visie?

4.3 Heeft u enig idee hoe de Fatwaraad tot de uitvaardiging van fatwās komt?
   4.2.1 Bent u bekend met de concepten waar zij gebruik van maken?
      4.2.1.1 darūra; maṣlaḥa; taysir
   4.2.2 Wat vindt u van deze concepten?

4.4 Wilt u nog iets anders opmerken over de Fatwaraad?
APPENDIX B – ORIGINAL INTERVIEW QUOTATIONS (IN DUTCH)\(^{25}\)

Paragraph 4.3.2

‘Het is niet zo dat ze elkaar in de weg staan, maar er komen vragen die onze fatwacommissie, ook om op een eenduidige lijn te zitten met de Europese Fatwaraad, teruggerekend naar die raad. […] Kijk, onze imams, onze hoofdimam kan al heel veel vragen direct beantwoorden, dat is het probleem niet. Maar in sommige gevallen, in gevoelige kwesties, moet je wel op één lijn zitten met je hoofdorgaan en die hebben er voor gekozen: wij gaan deel uitmaken van de Europese Raad voor Fatwa en Onderzoek.’

(Interview Imam A)

‘Alleen, het is wel zo, kijk, Milli Görüs als organisatie is één van de grootste religieuze zelforganisaties in Europa. Het heeft een enorme achterban wat dat betreft. En vanuit die hoedanigheid heb je toch wel een andere positie, want er zitten ook andere leden in de fatwacommissie die helemaal niet zo’n grote achterban hebben. Die een beperkte gemeenschap vertegenwoordigen, maar wel een andere leerschool hebben, zeg maar. Maar Milli Görüs is qua gemeenschap, qua organisatie één van de groteren. Je wordt ook op die manier gerespecteerd. Dus daar heb je gewoon een hele sterke positie in.’

(Interview Imam A)

‘Bij kwesties die nieuw zijn, nazila, dus die nog nooit hebben plaatsgevonden, in zo’n situatie keer ik naar de Europese Fatwaraad. Want de meeste geleerden uit de Europese Raad wonen ook in Europa.’ (Interview Imam B)

‘Dus het is echt een resource, een bron waar je naar terugkans op het moment dat je er zelf niet uitkomt, maar het is ook weer niet zo doorslaggevend dat hetgeen dat zij zeggen ook meteen wordt toegepast.’ (Interview Imam B)

‘Onze imams zijn daar niet echt mee bezig en kunnen ook niet de fatwās van de Europese Fatwaraad zoeken en vinden. Er is een taalprobleem. Veel Turkse imams spreken en lezen niet vloeiend Arabisch. Wel in religieuze zaken, daarin begrijpen ze het wel […]. Ze nemen meer over van Turkse bronnen, Turkse fatwās. En een andere taal gebruikt door de

---

\(^{25}\)Those who are interested in continuing and expanding the research conducted in this thesis, can be provided with the complete interview transcriptions by sending an e-mail to: susannevanesdonk@live.nl.
Europese Fatwaraad is de Engelse taal en dat is ook niet gebruikelijk voor Turkse imams.’ (Interview Imam C)

Paragraph 4.3.3

‘In Nederland is het zo, ik krijg dan vanuit het hoofdkantoor door en met alle imams van de moskeeën die bij Milli Görüs zijn aangesloten - voor Milli Görüs Noord-Nederland zijn dat er twintig - heb ik maandelijks een vergadering. Dus ik koppel dat ook op die manier terug naar de imams en die koppelen dat, die zorgen er voor dat bijvoorbeeld met het vrijdagmiddaggebed of tijdens de Ramadan wanneer moskeeën druk bezocht worden, dat dat soort nieuws teruggekoppeld wordt naar de gemeenschap. En dan heb je dus vanuit het hiërarchische systeem meteen je hele gemeenschap op hele relatief korte termijn bereikt.’ (Interview Imam A)

‘Een fatwā zal nooit in een lezing plaatsvinden. De lezing is berust op het herinneren aan bepaalde zaken en mensen wakker schudden dat het hiernamaals realiteit is. Ik probeer de mensen wakker te schudden en adviezen te geven hoe ze Allah moeten aanbidden. Maar een fatwā is vaak persoons- en situatie gebonden en dat is vaak één-op-én onder vier ogen. Dat gebeurt niet in een lezing.’ (Interview Imam B)

‘Voor de leken - je hebt de geleerden en de mensen die gewoon weinig kennis hebben - en voor de leken die gewoon weinig kennis hebben, voor de leken is het gewoon het beste om één madhhab te volgen. Want het is heel verwarrend voor mensen die geen kennis hebben om dat te filteren zeg maar. […] Je merkt ook vaak aan de vraag die gesteld wordt wat het niveau van die persoon is. Een vraag van een intellectueel is anders dan een vraag van iemand die minder intellectueel is. Daar merk je wel een verschil.’ (Interview Imam B)

‘Maar wat Milli Görüs bijzonder maakt is als het over traditionele zaken gaat. Dat is het verschil tussen de Turkse gemeenschap en Arabische gemeenschap. Dan wordt misschien wel een vergelijking gemaakt hoe dat gaat bij de Turkse gemeenschap, want de leden van de Europese Fatwaraad zijn ook bijna allemaal uit de Arabische wereld afkomstig.’ (Interview Imam C)

Paragraph 4.3.4

‘Een deel die zegt bijvoorbeeld van: als mijn fatwā-commissie daar uitsluitend over heeft gegeven, dan ga ik daar verder niet meer over nadenken, dat accepteer ik, dat is klaar,
want daar heb ik vertrouwen in. Terwijl de ander zegt van: het zal wel, maar het zit me niet lekker, ik doe het niet. Die keuze is gewoon aan het individu zelf.’ (Interview Imam A)

‘En het allerbelangrijkste is de manier waarop de imam de boodschap overbrengt. Brengt hij het op een prettige manier of heel strikt of bekrompen over? Of de bewijzen die hij aangeeft, zijn dat duidelijke bewijzen? Dat is heel belangrijk, de manier waarop je een boodschap overbrengt voor of het geaccepteerd wordt of niet.’ (Interview Imam B)

‘Maar in het algemeen, mensen zijn op zoek naar de rukhṣa’s, naar dat wat toegestaan is, en denken: welke open deur kan ik vinden om gebruik te maken van de fatwās? Ik zie dat mensen in die zin gebruik maken van de fatwās van de Europese Fatwaraad.’ (Interview Imam C)

**Paragraph 4.4.1**

‘Je moet gewoon ten alle tijde een goede moslim zijn en het goede voorbeeld geven. Ik heb niet-moslim buren en ik respecteer ze en behandel ze goed en dat is ook een vorm van da’wa, dat is niet alleen de preek geven. […] Je kunt niet zomaar tegen iedereen zeggen: je moet de profeet volgen.’ (Interview Imam B)

**Paragraph 4.4.2**

‘Hier ben je een sociaal adviseur, je bent religieus adviseur. Iedereen die met bepaalde problemen zit weet jou te vinden. Ze willen advies van jou, een uitspraak van jou, dus het is echt een hele brede verantwoordelijkheid die je hebt. […] Je bent een leraar voor kinderen in Koranlessen, je geeft islamitische lessen, je bent ook sociaal adviseur voor de problemen die mensen hebben, religieus adviseur voor fatwās. Dus het is echt een hele moeilijke, verantwoordelijke functie die imams vervullen, echt waar.’ (Interview Imam A)

‘Als imam in Nederland heb ik ongeveer veertig taken in mijn functie, waaronder het geven van lezingen, het leiden van het gebed, het bezoeken van zieke patiënten in ziekenhuizen, het oplossen van problemen van mensen. Ik word vaak betrokken bij sociale problemen. […] Mijn functie houdt nooit op, 24/7 ben ik bezig. Het gebeurt ook soms dat ik in de nacht wakker gebeld wordt omdat er een groot probleem is, of een ruzie tussen een man en vrouw die snel opgelost moet worden. Dus het blijft, ik ben fulltime imam. Ik moet ook regelmatig vragen beantwoorden, religieuze vragen, religieuze kwesties, ook daarvoor word ik gebeld.’ (Interview Imam B)
Paragraph 4.4.3
‘Dus die verschillen ontstaan, maar het is niet zo dat de één fout is of de ander goed, dat kun je ook heel moeilijk zeggen. Het is gewoon de keuze die je hebt gemaakt voor eenduidigheid.’ (Interview Imam A)

‘In islam heb je ijtihād, je hebt de vrijheid om zelf je oordeel te vellen, maar dan moet je wel een bepaalde kennisachtergrond hebben. Maar die vrijheid zorgt ervoor dat meerdere geleerden het niet over een kwestie eens zullen zijn, omdat de ene het zo interpreteert en de andere het zo doet. En daarin heb je gewoon, onenigheid wil ik het niet noemen, maar wel een verschil van mening.’ (Interview Imam B)

‘Zoals het voorbeeld met ritueel slachten. Daar zijn veel fatwā’s over. Die zijn er, alleen je gaat nu ook kijken vanuit een ander perspectief. Wat ik net al noemde, vanuit voedselperspectief, vanuit wetenschap, vanuit scheikundig perspectief, vanuit gezondheidsperspectief. En dan ga je dus kijken of de fatwā’s die we hebben nog steeds houdbaar zijn of moeten we ze opnieuw herijken omdat een nieuwe situatie zich voordoet?’ (Interview Imam A)

‘Als fatwā-commissie of als fatwā-raad heb je een hele belangrijke verantwoordelijkheid. Enerzijds jegens de gemeenschap die op een bepaald antwoord wacht - want als je een verkeerde fatwā geeft, ben je daar ook verantwoordelijk voor - en anderzijds moet je voor de uitspraak die je doet ook verantwoording afleggen richting Allah, in het hiernamaals.’ (Interview Imam A)

Paragraph 4.5.1
‘Dat was het mooiste, dat de Fatwaraad voor iedereen is, voor alle moslims. Los van het feit of je een Turk, een Marokkaan, een Egyptenaar of Europeaan bent. Los van dat. Dat was gewoon de start, daar hadden we toen enorme discussies over. We zeiden: we willen los komen van al deze scholen in de islamitische landen. Er zijn een aantal problemen en die moeten gewoon vanuit een heel andere hoek bekeken worden. Anders komen we in bepaalde situaties terecht waarin mensen moeten kiezen: blijf ik moslim of kies ik iets anders? Want je maakt het heel moeilijk voor mij.’ (Interview Respondent D)

Paragraph 4.5.3
‘Wij zijn Malikieten en zolang deze Fatwaraad niet echt actief is voor de Europeanen - los van al deze politieke issues en demagogische zaken - zolang het niet naar de
oorprontelijke rol gaat, dan moeten wij ons gewoon concentreren op het creëren van een bepaalde eenheid en dat betekent gewoon het teruggaan naar de Malikitische school en proberen om ons zo veel mogelijk te baseren op de tijd van geleerden [\ldots].’ (Interview Respondent D)

Paragraph 4.5.4
‘We moeten een bepaalde eenheid te creëren, anders komen wij in bepaalde situaties waar enorm veel problemen komen. Nu is het sheikh Google, zo noem ik het altijd, en als je daar geen structuur in gaat creëren - dat hoor je iedere keer, iedereen gaat gewoon zelf als sheikh optreden en fatwās van hier en daar krijgen - dat betekent, je gaat gewoon enorme verdeeldheid en enorme problemen krijgen.’ (Interview Respondent D)

Paragraph 4.5.5
‘Ja, dat is de hoop, maar dat is ook waar wij op dit moment naartoe werken. Een religie zonder ‘ulamā’ is helemaal niets. Dan komt sheikh Google die een soort ‘ālim wordt en dat kan gewoon niet. Of je laat het gewoon aan de mensen over die in de moskeeën zitten, met een baard enzovoort en die beginnen ook zelf fatwās te geven. Zolang je geen geestelijk leider, geen mens, geen instituut hebt die deze zaken behandelt en de mensen te woord staat en goede adviezen geeft, dan blijft de samenleving gewoon open voor al dit gedoe, dat mensen misschien twee of drie woorden van de profeet kennen ook fatwās beginnen te geven.’ (Interview Respondent D)