

Contact details:

Jens Kutscher, M.A.
Research Assistant
Erlangen Centre for Islam and Law in Europe
Friedrich Alexander University Erlangen-Nuremberg
Schillerstr. 1
D-91054 Erlangen
GERMANY
Jens.Kutscher[at]jura.uni-erlangen.de

Commanding Good and the Common Good
Interpretation and Authority of Islamic Law on the Internet
Jens Kutscher

Commanding good and forbidding evil (al-amr bi-l-ma'rûf wa-l-nahy 'an al-munkar) is a key concept of Muslim faith and jurisprudence. It also relates to Muslims living in predominantly non-Muslim societies and is in fact not alien to these societies themselves. Being furthermore conveyed through Islamic legal interpretations via the Internet this concept can easily be linked to a broad public sphere. As these so-called fatwas deal with topical problems and questions they are useful for studying the practical impact of modern Islamic jurisprudence there. Hence, with a text-based analysis of relevant fatwas, this paper asks how Muslims articulate their opinions and how they justify certain positions.

Because there is no clergy in Islam and private individuals have always played an important role in interpreting Islamic law authoritatively, virtually every Muslim can issue fatwas. Thus a competition between a heterogeneous group of private online muftis (such as, for example, at islamonline.net or askimam.org) and government-sponsored fatwa authorities can be discerned. At the same time all of them claim to be in what is perceived or understood to be the tradition of the Prophet Mohammed's example. Their least common denominator is the principle to command good.

The present paper sheds some light on the different actors and their competition. Who are they? And, more importantly still, which norms do they set? Within the context of the norm-setting processes online fatwas have the potential to influence and shape Muslims' opinions especially in societies where non-Muslims constitute the majority. So how do the norms presented relate to existing norms there? Examples of where the Muslim authorities position themselves when it comes to the participation of Muslims in the public life for the sake of the common good (maslaha 'amma) will be provided.

Approaching Minority Fiqh Through Online Fatwas

Jens Kutscher

The idea of a jurisprudence of Muslim minorities (*fiqh al-aqalliyyat*) is not necessarily something new to Islam as some examples from the classical period suggest. Still, *fiqh al-aqalliyyat* is especially being designed for Muslims of the late 20th and beginning 21st centuries when they started to constitute growing minorities in predominantly non-Muslim states and societies. Being furthermore conveyed through Islamic legal interpretations via the Internet this concept can be linked to offline *and* online discourses. As these fatwas deal with topical problems and questions they are useful for studying the practical impact of modern Islamic jurisprudence. Hence, with a text-based analysis of relevant fatwas, this paper asks how Muslims articulate their opinions and how they justify certain positions. Fatwas from a wide variety of sources, among them islamonline.net, are taken into account.

The online fatwas rarely seem to mention the concept literally though. Instead it becomes often clear from the information provided that the questioner or the muftis address a specific situation in a Muslim minority context. Who are these muftis claiming authority over Muslims outside the Islamic world? And how does the developed *fiqh* relate to existing norms in predominantly non-Muslim societies? Against the background of this set of questions the aforementioned fatwas are part of a broader perspective on the apparently increased will of Muslim citizens to live according to Islamic *and* non-religious rules at the same time.

»May I Call My Teddy Mohammed?«
The Role of Online Fatwas in the 21st Century
Jens Kutscher

From the beginning Muslim scholars issued legal opinions, so-called fatwas, to guide the Muslim community in commanding good and forbidding evil. With the spread of the Internet and satellite TV channels the process and result of fatwa counseling has become a transnational phenomenon which is especially appealing to Muslims in minority contexts. Conversely, news coverage of allegedly nonsensical fatwas led to the astonishment and incredulous disapproval of non-Muslims. What is really behind such cases? Who are the muftis of the 21st century?

This paper sheds some light on a heterogeneous group of different religious actors. There are private online muftis from askimam.org, islamicity.com, islamonline.net, and islamqa.com, who are not a monolithic group by themselves. Yet it is not only these private Muslim jurisconsults who maintain websites, but also government-affiliated muftis and agencies have increasingly established an online presence. The paper argues that there is a competition between the fatwa services for the conclusive authority of Islamic legal interpretations and their creators over the minds of Muslims situated in non-Muslim political discourse spheres. As the fatwas deal with topical problems they are useful for studying the practical impact of modern Islamic jurisprudence there.

The research is initially based on a quantitative content analysis regarding contested issues. Nonetheless it shall be supported by a theoretical framework including the notion of Mandaville's (2001) »modes of translocality«.