

Adam Possamai, Bryan S. Turner, Joshua M. Roose, Selda Dagistanli, Malcolm Voyce

”Shari’a” in Cyberspace. A Case Study from Australia

(doi: 10.2383/83882)

Sociologica (ISSN 1971-8853)

Fascicolo 1, gennaio-aprile 2016

Ente di afferenza:

()

Copyright © by Società editrice il Mulino, Bologna. Tutti i diritti sono riservati.

Per altre informazioni si veda <https://www.rivisteweb.it>

Licenza d’uso

Questo articolo è reso disponibile con licenza CC BY NC ND. Per altre informazioni si veda <https://www.rivisteweb.it/>

“Shari‘a” in Cyberspace.

A Case Study from Australia.

by Adam Possamai, Bryan S. Turner, Joshua M. Roose,
Selda Dagistanli *and* Malcolm Voyce

doi: 10.2383/83882

1. Islam On-Line

New forms of communication and greater accessibility of Islamic texts on-line allow Muslims to shape their own religiosity, to become less dependent on established sources of authority, and thereby to become more aware of their own cultural diversity as a community. New practices of transnational Islam, and the growth of new concepts of Muslim identities currently emerging in the on-line community, are relatively free from immediate constraints. What results is not necessarily the individualisation of authority or the establishment of subjective opinion over religious knowledge, but rather a multiplication of competing authorities [Turner, 2007]. At the same time, it does not stop people from exploring the Internet to find an opinion that is more in line to what they are looking for [e.g. Bunt 2003; Linjakumpu 2010; Sands 2010]. This practice has been described in somewhat negative terms as “*fatwa* shopping.”

As Kort [2005] has observed, Internet surfers can easily access Islamic libraries and various information resources. As these adherents can peruse Islamic sources without traditional modes of guidance, it could be argued that they are engaged in their own interpretation of tradition (*ijtihad*). For many centuries, it was believed, for example by Max Weber [1978], that religious interpretation was closed and that orthodoxy was secure. But the reform of Islam to cope with modernity has been argued by some to have “opened up the gates of *ijtihad*.” Modern *ijtihad* makes ref-

erence to the process of using reasoning to form an opinion as to a rule of law by applying analogy to the Qur’an and the customs (*hadith*) of the Prophet. Before mass education and the translation of the Qur’an into vernacular languages, the *ulama* had exclusive rights over the interpretation of the Qur’an. The Internet has undermined or at least eroded this scholarly monopoly of *ijtihad* as the understanding of Islam on the Internet [e.g. Bunt 2003; Schmidt 2004; Sands 2010; Linjakumpu 2010] can be multiple. Linjakumpu [2010], for example, finds in this space alternative Islamic expressions that are different from mainstream theologies. For this author, cyberspace has allowed the Muslim world to be de-territorialised and provides a way for people to distance themselves from traditional communities if they wish. The concept of “de-territorialisation” is derived from the philosophical and psychoanalytical work of Deleuze and Guattari [1972], and has been used in anthropology and sociology to make reference to a process of “dislocation between a system of values, beliefs and practices, and the social community that produced it” [Obadia 2015, 6].

Further as Obadia [*Ibidem*, 7] makes reference to, this term has been used by scholars of Islam, especially Olivier Roy, to link the process of de-territorialisation with that of de-traditionalisation. As potential sources of authority are becoming more readily accessible (as explored above), this has some impact on the traditions of Islam and its territory. It is thus assumed that the internet would offer a strong support for the decrease of borders in the world as people can deal more and more with on-line issues that are not tied to a specific territory. In this sense, the Internet would provide a further process of dislocation between culture and place. As such, this article will study how authority, and activity, on the internet can impact on the de-territorialisation process of Islam.

There would be an increasing heterogeneity of ways of being Muslim and these are exposed to foreign and/or new cultural influences that can undermine the perception of traditional lifestyles. In this case, according to Abdel-Fadil [2011], the Internet provides a space for negotiation and contestation when dealing with traditional religious authority.

However, one must be cautious when claiming the full demise of traditional religious authority in places where it does not appear. Indeed, in her exploration of one of Australia’s largest on-line virtual Muslim communities, Marcotte [2010] notes that the on-line interactivity is usually informal, non-hierarchical, lightly monitored and anonymous. There is, in electronic territory, greater freedom to challenge Islamic normative views. Each on-line participant can voice his or her understanding and interpretation of Islam. Participants in on-line debates often cite authoritative sources such as quotations from the Scriptures, on-line *fatwas*, or texts from Muslim scholars. Although these on-line Muslim conversations are diverse in form and content, and

can foster and promote Islamic norms and values, they are nevertheless monitored by moderators. Even if traditional authority is not present on-line, moderators can intervene in conversations, delete messages and even ban members. Marcotte [2010] observes that some *MuslimVillage* forums:

explored alternative types of knowledge and practices and even explicitly contested Islamic norms and criticized Muslim practices. Others, however, sought to reaffirm control over online interaction and criticized views that deviated from Islamic norms. [...] The dynamics of religiously focused e-networks are such that authoritative and normative reinforcing voices can seek to define, re-establish, and uphold greater doctrinal homogeneity of opinions by shaping the forum's identity and culture for the benefit of the virtual community of which they see themselves as the caretakers. While the specific Islamic identity of MuslimVillage forums is shaped and constructed by the views posted by all contributing members, its religious identity is equally shaped by moderator (and by some members) warnings, bannings, or closing of threads, usually for bad netiquette, and the constant reiteration of e-Islamic normativity, through appeals to the tradition – i.e., the Scriptures and the *hadiths* [*Op. cit.*, 134].

The goal of this article is to expand on Marcotte's analysis in Australia [2010] but focus on on-line *fatwa* sites, and as Marcotte has put into question the demise of religious authority on the Internet, this article will question the notion of the de-territorialisation of Islam.

2. Shari'a On-Line

Calls for the application of *Shari'a* to legal matters in Western countries are controversial and draw objections not only from within the host community but also from within the Muslim community. In Australia, in the absence of formal legal arrangements that recognise *Shari'a*, many Muslims actively seek rulings (or *fatwas*) from scholars, imams and mullahs in their suburbs and/or from overseas via the Internet. The desire of many Muslim Australians to abide by *Shari'a* confounds understandings of the law as determined by the legal system and instead highlights how communities may generate their own forms of "normative ordering" [Twining 2000] that function as law regardless of any formal legal status. Simultaneously, the role of online technologies in facilitating the "*Shari'a-isation*" of everyday relations among the Muslim diaspora highlights the complex interactions between tradition and innovation in the West.

For Sisler [2011], there are many Internet sites from around the world that provide *fatwa*-online facilities. This provides a global connection that would reinforce this notion of de-territorialisation. In this sense, these sites, according to Roy [2002;

2008], are globalised and carry a Muslim identity that crosses frontiers. We see in this process the erosion of national particularities and of local customs. This global connection over the Internet might over time reduce the importance of the locality. However, when analysing some case studies of international and UK local Internet sites, Sisler [2011] discovers that the UK *Islamic-Sharia.org* while offering content to a global audience, was also linked to its local UK Muslim community. We have here a hint of a possible process of re-territorialisation process (see below) that Sisler [*ibidem*] did not explore. It is the aim of this article to continue this exploration by using Australia as a case study, and focus on locally grown Internet sites exclusively.

The approach of this study involved gathering detailed data on the Internet on how *Shari'a* is lived and experienced by different Muslim communities. Recent publications on *Shari'a* in Australia (e.g. Black and Hosen [2009]; Black [2010a; 2010b]; Buckley [2010]; Hussain [2004]; Saeed [2010]) provide key findings and reflections in the field, but these publications provide no qualitative data on how *Shari'a* is practised on-line.

3. Method

As we will show below, this procedure required a study of the discussion of personal issues (divorce, marriage, courtship, etc.) on the Internet. It will be argued that there is a de facto *Shari'a* "court" operating online, where individuals obtain legal opinions about personal issues that have important wider societal impacts. Analysing the content of these chat rooms and discussion lists provides a more complete and complex understanding of the various processes of informalisation of *Shari'a* in Australia via the Internet. Drawing upon the concept of a "virtual ethnography" of on-line communities detailed by Hine [2008], this article combines scholarly texts and narratives into a reflexive ethnography conducted in the virtual world. It aims to produce, in anthropological terms, a "thick" description from which researchers can more adequately understand the everyday online world of the social actors involved.

In her study of the *MuslimVillage* forum, Roxanne Marcotte adopted "webser-
vation," seeking to interpret the members' presentation of themselves in the technologically mediated environment [2010]. This is also commonly referred to as "lurking," utilising the anonymity afforded by cyberspace to observe from the shadows. In employing this strategy individuals may not even know they are being studied. As Hine has observed, this poses an "epistemological challenge" [2008, 262]. As both Hine and Marcotte consider, practices are not challenged through interaction with the observer and so without adequate consideration, the quality of information

gained may lack depth. There are also important issues of confidentiality. In reporting online interactions using the pseudonyms adopted by many on web forums, it is still very possible for individuals to be identified. Furthermore some comments, if reported out of their original context in the forum may have different connotations and implications. It is vital to ensure that adequate care is taken to both protect the anonymity of those being examined and the integrity of their statements. It is also vital to acknowledge the issue of what Cowan terms “online ephemerality” and “outdated durability” whereby online forums are constantly updated and information, unless deliberately archived, constantly deleted and replaced [2011, 465]. Hence reporting on interactions and websites captures a moment in time rather than an ongoing textual contribution. One other limitation to consider is that of “who” utilises these sites from within Muslim communities. It may be more likely that observant and new Muslims rather than secular Muslims may access particular forums and advice about daily practices. This cannot accurately be measured through an analysis of the websites alone.

The potential limitations identified in online research however may be considered to be outweighed by the positive potential of gaining historically unprecedented access to interactions, as an observer without biasing through one’s presence, the nature or quality of the exchange. While it is important to assume that all online interactions feature a level of performativity (as participants know that anyone can read their message), the substance of interactions and relations of power and authority remain and may be discursively analysed. This article analyses a total of three online Australian forums where *fatwas* may be obtained (*Darul Ifta*, *Darul Fatwa Australia* and *Sydney Muslim Youth Forum*)

To analyse these sites this article follows Cowan’s [2011] framework of “Questions to ask in Internet research” in the study of each of these sites. These are:

- a) Who uploaded the content and why?
- b) How have viewers and participants reacted to it?
- c) How are site visitors invited to interact with the material (if they are)?
- d) How is content presented and controlled in the face of contradiction or challenge?
- e) How does online content and participation affect religious belief and activity offline?

We also employed an Internet comparative case study approach as used, for examples, by Bunt [2003], Hutchings [2010] and Milani and Possamai [2013]. These research offer examples of how some common and contrasting themes have emerged in the qualitative analysis of various sites. Following the example of Sands [2010], we further attempted to use new on-line research methodologies such as Alexa’s traffic

ranking to gather relevant data on these sites. The findings of this comparative study are summarised in Tab. 1.

This article thus attempts to underline the existence of certain practices, without making any claim about their representativeness within the field. As Flyvbjerg [2001], a proponent of case studies approach, indicates:

[w]hen the objective is to achieve the greatest possible amount of information on a given problem or phenomenon, a representative case or a random sample may not be the most appropriate strategy. This is because the typical or average case is often not the richest in information. Atypical or extreme cases often reveal more information because they activate more actors and more basic mechanisms in the situation studied [*Op. cit.*, 77-78].

4. Description of Shari'a Websites

Of the many websites that abound offering Islamic advice, it was necessary to choose those most likely to offer an insight into the experiences of Australian Muslims. The following were chosen for the depth of issues covered on their pages and they offer insights into the different forms of communication employed by the owners of such web sites to impart Islamic perspectives. While we do not make any claims about representativeness of the websites, it is worth mentioning that we found them through a range of avenues including interviews with Imams and members of Muslim communities; trawling *MuslimVillage* and other websites; and internet search engine terms including "sharia fatwa Australia" and variations thereof. Importantly, these organisations are also physical entities, with headquarters and Imams. This analysis thus reveals how "physical" Islam has moved into the "online" world.

4.1. *Darul Ifta Australia (Australian Institute of Islamic Jurisprudence)*

The www.fatwa.org.au website is owned by the *Darul Ifta* Australia organisation. Formed on 3rd September 2011, this group constitutes a non-profit organisation based in Melbourne, Australia. The leading sheikh within the organisation is a Deobandi Muslim of Indian origin from South Africa, while the Australian figure behind the site was trained in Pakistan. The website states three primary goals:

- a) To provide a reliable fatwa service to the Muslim community related to all aspects of a Muslim's life including: worship (*Salat*, *Zakat*, Fasting, *Hajj*, etc.), business transactions, marriage, divorce, inheritance, bequests, funerals etc.
- b) To offer free publications with the aim of educating the Muslim community.
- c) To promote Islamic educational programmes for the benefit of the Muslims.

The website is interactive to the extent that users can submit questions (though at the time of writing the site was taking no further questions until the backlog of current queries could be cleared). Users can send the *Mufti* a message through a facility on the website or through mobile phone and expect a reply within a relatively short time period. It is possible to search for previous rulings under 15 headings: *Aqidah* (belief); *Tabara* (purity); *Salat* (prayer); *Zakat* and *Sadaqa* (Charity); *Sawm* (Fasting); *Hajj* and *Umrah* (pilgrimage); business and finance; *Nikah* (marriage); *Talaq* (divorce); food and drink; *Qurbanl*, *Aqeeqa* and slaughtering animals; death and burial; inheritance; women's issues; miscellaneous. Importantly, these categories reveal insights into the multifaceted role *Shari'a* plays in the daily lives of observant Muslims.

While well structured, the design of the website was rudimentary, and more functional than graphically attractive. One of the three pictures that flash across the screen is a bookcase of Islamic books, suggesting scholarly authority, while the other two pictures are simply the name and web address of the organisation. While featuring an "About Us" section and a section featuring an "important indices" of how much *zakat* Muslims in Australia, New Zealand and Fiji should pay, the website is primarily oriented towards addressing questions seeking Islamic rulings. The structure and ease of access make the page accessible for English speaking Muslims and appears oriented towards Muslims of sub-continental origin in the Australia and Pacific region.

The website has a feature that enables visitors to view from where other visitors have logged in. Between 18 March 2013 and 30 July 2013 the site had over 4,132 visitors, of whom 1,736 were from Australia. Victoria, with 1,057 visits, boasted the most visitors, followed by New South Wales with 353 visits. Internationally, the United States with 545 visits and United Kingdom (272), Pakistan (259), India (253) and Canada (165) were the most significant sources of website viewing, though in this four and a half month block individuals from 76 countries as diverse as Algeria, Mauritius, Greece, Barbados, Qatar and Germany viewed the site. Over the course of the year it may be estimated on this basis that up to 15,000 visits were recorded, making this a small site by international standards.

An analysis of the website content reveals almost 500 (481) questions published on the website. Of these, the three largest categories related to Prayer (61), Business and Finance (57), Purity (52) Marriage (39) and Food and Drink (32). Questions asked were often highly specific to Australian Muslims as the following question relating to an Islamic finance company operating in Australia reveals:

Q. Is "[Company X]Income Fund" *Shariah* compliant?

A. [Company X]'s home finance package "[X]" is not *Shariah* compliant; hence [Company X] Income Fund is also not *Shariah* compliant, as the money invested

in [Company X] Income Fund is used to provide finance for purchase of homes according to [Company X] website.

In other submissions, for example, the following relating to “purity” reveal an insight into the highly prescriptive dimension of practice by some observant Muslims that Sheikhs and Imams deal with:

Q. Is the nasal mucous after waking up from sleep (at night) pure, since I remember reading a *hadith* about satan staying in it? Also is it necessary to clear the mucous for water to reach the inner nasal lining during *wudhu* or *ghusl*? *JazakAllah*.

A. Nasal mucous is pure. If the nasal mucous is such that it prevents the water from reaching the nasal lining then one should remove it at the time of washing the nose for *wudu* and *ghusl*. This is especially important in *ghusl*, as it is compulsory to wash inside the nose during *ghusl*.

Answers to questions may be considered as located within a traditionalist interpretation of Islam, with little room for manoeuvre by adherents once a judgement is given. In the following question an individual asks about whether a woman may address her husband by his first name:

Q. Is it permissible for a woman to address her husband by his name?

A. It is *makrooh* for a woman to address her husband by his name. She should address him with something that signifies respect.

Rulings are accompanied by a verse from the Qur’an in Arabic as proof of the validity of the judgement. For observant Muslims who read Quranic Arabic this may serve to justify the sheikh’s ruling; however for those without Arabic it forces them to rely on the reputation of the sheikh alone, for no English translation accompanies the Arabic. This use of language monopolises authority in the hands of the sheikh. In this sense, the ruling would be used, according to Roy [2002, 193] more as a rite of identification rather than as a tool of communication. The lack of a feedback or clarification facility on the website further entrenches Islamic legitimacy in the sheikh’s hands.

In the case of the *Darul Ifta* website, technology is clearly utilised in a conventional, arguably more autocratic (in comparison to another case below) manner to impart religious perspectives. Sheikhs behind the website are unaccountable for their perspectives – and if a user of the site disagrees they face either moving to an alternate website or accepting the rulings in their entirety without question.

4.2. *Darul Fatwa Australia (Islamic High Council of Australia)*

The www.darulfatwa.org.au website is owned by *Darul Fatwa*, a coalition of 27 Australian Muslim organisations (Interview 13 September 2012). Formed in May

2005, this organisation is multiethnic with representation from the Afghan, Pakistani, Indonesian and Lebanese Muslim communities amongst others. There is no definitive list available on the website of *Darul Fatwa's* constituent organizations. The website states numerous goals related primarily to the Muslim "community," "education" and wider non-Muslim community "relations." The primary seven goals listed are:

1. To announce and disseminate Islamic judgements (*Fatwa*) which Muslims need in their daily lives.
2. To call upon Muslims to oppose extremism and to support and reinforce the views of moderation.
3. To represent the interest of all Muslim individuals, groups and associations regardless of their ethnicity at all governmental and non-governmental levels in the capacity of the highest Islamic authority in Australia.
4. To construct a clear plan and to have a futuristic vision in-line with that which benefits the Australian Muslim community.
5. To hold an annual congress for all Muslim Sheikhs and leaders of the community to discuss national Islamic issues and to determine the direction for Australia's Muslim community.
6. To protect the dignity of Islam and to defend it against unfair representation and negative propaganda and bias.
7. To secure the rights of Australian Muslims within the wider Australian community, ensuring no unwarranted discrimination and prejudice.

The organization seeks to contribute to the development of the Australian Muslim community, including through research, education, utilization of the cultural capital existent within the community, to "strengthen and support the role of Muslim females within the wider Australian community," to "work relentlessly" in "spreading the correct teachings of Islam through a consistent awareness campaign in opposition to extremism and fanaticism" and to develop Australian governmental connections and wider links with Muslims internationally. It is worth noticing in these goals that Australia is specifically made reference to. This was not the case in the goals listed in the previous site.

The website is very detailed and professionally built and interactive to the extent that users can submit questions and contact the organisation through telephone numbers and email. The website of *Darulfatwa* itself is very complex, suggesting an effort to convey as much information as possible. On the homepage there are no less than 60 links. This also suggests that the aesthetic of simplicity and form that has come to characterise the websites of multinationals corporations and professional organisations and associations in Western contexts has not filtered into the dispositions of those moderating the site. The homepage is cluttered with no apparent core

driving logic. The page is framed by a header, featuring the main components of the page, including “Islamic info” and “ask the *Mufti*” and two columns to the left and right of the main text. These columns feature a variety of unrelated sections from an online donation facility to latest news, prayer times and choice of language for the viewer including Indonesia, Malaysian, Dutch, Turkish, French, Somali and Chinese, suggesting a primarily South East Asian or African community. The other primary feature of the homepage is a photo box, featuring a rotating series of images from the organisations 2013 “multicultural Islam” concert.

Clicking on the “Islamic Info” header takes the viewer to 12 brightly coloured, modernistic boxes of sub categories. These include information on *Hajj* and *Ummrah*, Audio Lessons, Friday Sermon transcripts, “essential topics” and importantly here, “*Fatwas*.” Opening the *fatwa* box (as of July 2013) revealed 28 rulings in Islamic Jurisprudence by council members on a variety of topics including fasting, personal hygiene, prayer requirements, the weather, Islamic finance and housing requirements. These all relate to the daily practice of observant Muslims, though there is absolutely no logical structure to these rulings, with their simply being grouped together under the same heading.

An analysis of the websites “sitemap” reveals that there are 637 separate pages contained within the website (not including non-English language pages). The vast majority of these are contained within the 12 boxes beneath the “Islamic Info” headings. These headings are “*Hajj* and *Ummrah*,” “*Ramadan*,” “*Mawlid*,” “Audio Lessons,” “Islamic Books,” “Friday Sermons,” “*Fatwas*,” “*Aqeedah*,” “Essential topics,” “Muslims prayer,” “Islamic Occasions” and “the Holy Quran.” Of particular interest here is the “*Fatwa*” section. 28 *fatwas* are listed in total. There is no logical organisation of the content, though the number of overall hits for each question on topic is recorded. The most widely read was the *fatwa* for “Reciting Quran for the dead and Talqeen” (19,473 as at 31 July 2013). The second most viewed was titled “Time for Dhuhur Khutbar” asking about prayer timing to enable adherents to pray at the mosque during their lunch breaks (7,545 as at 13 April 2013). Other popular *fatwas* related to Friday prayers (6,606), purchasing a home (4,993), the use of prayer beads (4,673) and permissibility of masturbation (4,529). There is no date linked to these *fatwas* so it is not known when these were issued and what ones may have been on the site longer (and so had received more hits). The popularity of those posts particularly related to prayer suggests observant Muslims are particularly engaged in the site and seeking guidance about the everyday practice of their faith in Australia. The nature of questions and their answers suggests a more conservative and traditionalist Muslim organisation than the site that we will explore below. In the Islamic information section under “essential topics” of the website the topic of

“Relationship of a Marriage” is covered, reinforcing the power of Muslim men over Muslim women:

Our dear Prophet Muhammad peace be upon him ordered men to treat their wives with kindness and patience.

Equally important are the rights of the husband due to him from his wife. It is a duty upon the wife to obey her husband in all matters that agree with Islam.

The wife is obligated to satisfy her husband’s desires and is not permitted to deny her husband his rightful pleasures with her, without an Islamic valid reason. Also as part of the husband’s rights, the wife should ask his approval before fasting optional days. As well, the wife must not welcome any person into his home without her husband’s approval.

In the following question about buying a house, an Australian Muslim couple are told that they must rent:

Q. *Asalamu Alaikom*. I live in Sydney, Australia and my husband and I are looking at buying a house from his parents. We do not want to get involved in Riba because it is *haram*, but living in Australia there is no other way to do this islamically. I have been told by many people that we are able to get a loan for our first house only, no more. Please help me with this problem. We really want to buy this house but do not want to risk going to the hell fire because of it. I have also done research on the internet and many well respected scholars and *Mufti* said that people living in the western countries are allowed to get a house on a mortgage for only two reasons; 1, That it is for our families living and 2, that there is no other way of doing this islamically. Your sister in Islam.

A. Praise be to Allah and may Allah raise the rank of our dear Prophet.

Being safe by taking precautionary measures is a matter of wisdom and intelligence, and following of the majority of Islamic scholars is success in both this world and in the Hereafter.

As to your question, the answer is that a loan based on riba (usurious gain) is islamically unlawful whether one is in the West or in the East, whether it’s for the first house or more, and this is what the majority of scholars such as Ash-Shafi’iyy, Malik, Ahmad are others are on.

Based on this, it is not permissible to take a loan based on riba and patience is needed. You either find a good loan without riba, or you save the right amount of cash for the purchase. Alternatively, you can choose to live in a rented house or the like. Allah Knows best.

What is interesting here is not so much the prohibition on interest, a fundamental base of Islamic commercial transactions, but the suggestions offered to the couple concerned. These suggestions extend beyond the traditional notion “*Fiqh*” and into the realm of guidance. The difficulty of finding a “good loan” is highlighted by the following ruling:

Q. *Assalamo alaikum*.

My question is about finance. As we all know that the modern banking system is based on interest and it’s not *halal*. What do you think about it? Where does [Company X] and [Company Y] stand in this respect? Are there claims true that they provide Shariah Compliant Finance? Please help me understand this.

Jazzakallah

A. Praise be to Allah and may Allah raise the rank of our dear Prophet.

The dealings of *riba* (usurious gain) are *haram* in the Religion of Allah. The Qur’anic verse which talks about this matter has the meaning of: “And Allah has made selling permissible and *riba* not permissible”. This ruling is one whatever the name of the loan company is. As to the two companies you’ve mentioned, according to many sources that have reached us, those two companies have islamically invalid dealings which do not agree with our Religion.

However, if you have a specific question about a particular transaction with them, then if you provide us with some details then *Insha’allah* we can answer your specific query.

Allah Knows best.

The jurists rule out two Islamic finance providers and make no effort to suggest a *Shari‘a* compliant vendor. The only two other options are to pay outright – nigh on impossible for the vast majority of Australians (Muslim and non-Muslim) – or to rent. Such perspectives clearly have a tangible influence on Australian Muslims as home ownership is a key contributor to upward social and economic mobility over generation. In 2011, 49.87% of Muslims were renting houses compared to just 28.55% of non-Muslims. This appears to be owing to more than just economic disadvantages. Abiding by the sheikhs’ rulings on such issues clearly impacts the ability to own their own homes and secure a base that is important to generational mobility. In this sense the re-interpretation of *Shari‘a* in the Australian context does not conform to the new environment and hinder Muslim’s participation in the economy [Peucker, Roose and Akbarzadeh 2014, 293-294].

Those offering the *fatwa* material intend for their answers to shape the Islamic practice of the consumer, in-line with their perspectives and interpretations based on a more traditionalist Islam. While quoting the Qur’an and Prophet, rarely do scholars critically engage with the sources when giving rulings posted online. It is not known how consumers utilise the material made available and whether they try other sites if not happy with the ruling given. Nor is it known if they report this information on other websites. Use of the site is strictly managed through a one way exchange whereby users submit a response and get a reply. Comments on the website itself are not possible, though it is possible to do so on the linked Facebook account. The Facebook account however is in primarily Arabic, excluding non-observant Muslims who do not speak Arabic and a wider non-Muslim audience.

While more advanced, attractive and appearing interactive through its use of boxes and choices offered, language choice and link to Facebook and Twitter accounts, the flow of information and its mediation serves only to reinforce the power of the scholars through utilising technology in a one-dimensional form - *Darulfatwa's* more traditional approach. The scholar's authority is taken as a given. As such, there is little accountability for rulings and technology serves only to reinforce the scholar, posing him as the arbiter of God's will for the individual Muslim.

4.3. Sydney Muslim Youth "Ask the Sheikh"

The www.sydneymuslimyouth.com website (established circa 2008) is linked to the organisation *United Muslims Australia* (UMA), an organisation established in 2001 that aims at catering for the needs of young Australian Muslims in Sydney's western suburbs. The primary figure within UMA and the "Ask the Sheikh" dimension of the website is an Australian born Muslim of Arab-Palestinian background who spent almost a decade completing religious training in Pakistan and Syria. The Website lists nine "aims and objectives":

1. To provide Muslim youth with a safe and secure environment through our multi-purpose youth centre to assist in providing cultural, educational, employment and recreational programs for young people.
2. Provide Islamic lessons, forums, conferences and camps to Muslim youth that advocates the *Sunnah* of the Prophet Muhammad (s).
3. To preserve the identity of Muslim youth to help them overcome the problems they face in modern Australian society.
4. To provide religious advice and successfully meet the religious needs of our community.
5. To introduce Islam to non-Muslims in its purest form as a comprehensive system and a way of life and to provide new Muslims with advocacy and support.
6. To assist Muslim youth through training, communication and cooperation.
7. To represent the interests of the Islamic community at the local, state and national level.
8. To educate and train Muslim youth in order to become active and positive Australian citizens.
9. To establish a relationship of dialogue, understanding and coordination between Muslim and non-Muslim organisations and community groups.

These aims and objectives, particularly with reference to eight and nine may be considered largely politically moderate, with an emphasis on cross cultural engagement. Like the second site analysed above, Australia is made reference to in the list of aims and objectives.

The "Ask the Sheikh" dimension of the website is accessible through the *Sydney Muslim Youth* webpage, a professionally designed and modern site that also offer access to articles, media, online lectures and Quranic recitation. The site features imagery of a sun shining brightly over a Mosque, accompanied by an open Qur'an. Site users can contact the *Sydney Muslim Youth* website directly through a listed telephone number, email or contact form. Individuals are required to register to utilise the "Ask the Sheikh" segment, providing an email address and interestingly, answering a "random question": "Who is the One and Only True Creator?" suggesting that only Muslims would be expected to join the site. Non-registered users are still permitted to read threads and posts however. Highlighting the "lurking" dimension of website visitation is that at the time of research on the site, 1 member was online while 155 were visiting (5 August 2013). Importantly, there is also an "ask the members" facility enabling members to address their question to their peers for a broader consensus.

Upon entering the site, the user has a choice of 12 sub-categories of themed questions directed to the sheikh. These are on the topics of "purification and prayer," "zakat and charity," "fasting," "hajj and umrah," "marriage," "social issues and problems," "halal and haram," "beliefs," "women's issues," "being a Muslim," and "other questions." The sheikh has also opened a sub-forum where he addresses responses verbally that can be downloaded. This may be considered to add a greater level of authority, revealing that the sheikh has personally taken an interest in, and answered the question. In this respect the answer takes the form of a personal address.

While clearly aimed at young Muslims in Sydney, the site is accessible to any English speaking Muslim. Statistics revealed by the website point to its popularity, with 11,198 threads and 11,570 posts. At the time of writing there were 2,565 members, though as stated the overall viewership is much higher when considering those who browse the site without joining. The most popular forums by number of threads/posts on the "Ask the Sheikh" section were "*Halal and Haram*" (205 threads with 457 posts), "Purification and Prayer" (65 threads with 179 posts) and "Marriage" (59 threads with 245 posts). "*Hajj and Umrah*" by way of contrast received had just 4 threads and 8 posts, suggesting that questions of personal practice in the Australian context are the most significant features of questions. Postings are ordered chronologically so that in some cases, threads may evolve over four to five years. Questions raised and their answers reveal the dimensions of Muslim citizenship in the Australian context. One such question from a member who was utilising the photo of a *Mujahedeen* fighter (and in so doing arguably seeking to project a form of Muslim masculinity), addressed in the "audio responses" sub-forum asked:

Asalam 3aylakum rahmat Allahu wa-barakatu, insbAllah whoever reads this is in the best of Iman and Health. Just wanted to ask, my relatives own a shop that makes stickers and lately been thinking of making a sticker for the back window of the car. It's the *shabada* and under it, it will have *Allahu Akbar*, then under that, it will have two swords crossing each other. Do you think that I should put it on the car?? or I shouldn't? (27 October 2010).

The reply from Sheikh Shady was instructive and revealed an important insight into his level of cultural capital in the Australian context:

[...] The Brother is asking that he wants to do a sticker to put at the back of his car saying "there is no God except Allah, Muhammad is his messenger" and two swords coming across. Ok [...] is it *halal*? Of course it is *halal*. Is it permissible? Yes of course it is permissible. But do I advice you to do that in a country like the country we live in? Of course I do not advice you doing those swords. Because those swords give the wrong impression to non-Muslims when they see someone, a Muslim driving a car and it's got [the *shabada*] and two swords and it's likely they will think Islam is spread by the sword and this is the concept that the Westerners and the enemies of Islam have been spreading amongst non-Muslims [...] Islam is not spread by the sword [...] Islam is not always spread by the sword. Islam is spread by the morals and ethics of the Muslim. That's the attraction [...]

The "Ask our Members" section was significantly less popular than "Ask the Sheikh" with 278 threads compared to 969. Of these, "HELP ME PLS—ATTRACTED," from a Muslim woman aged 17 being pushed into an arranged marriage, received the most views (16,632) while "I'm a *sunni* Muslim, can I get marry with a *shia*" from a Muslim woman received the most replies to a personal question on the thread with 75. An example of a typical question put to the "Ask the members" forum related to mixing with the opposite sex and music:

salamu 3alykum bros/sis

My family are having a party at home for my brother that recently got married. There will be men/women and music. What am I suppose to do?? I don't think I'll be allowed to leave the house coz I'm pretty sure my mum needs help with preparing the food [...]

The interactive dimension of responses revealed a variety of responses that built upon each other:

Respondent One: Advise your parents.

Respondent Two: May Allah make it easy. Just tell them if death were to come to one of them while in this so called "party" will you be happy to meet Allah in this state and be resurrected in this state?

Respondent Three: May Allah swt keep you patient sis, maybe you could try and help your mum earlier in the day, and then leave? I really think you need to make your stance on this situation clear to them [...] perhaps they will then see that u

are truly sincere in what you are saying, since many of our parents today fail to see that in us. May Allah swt guide us all.

Respondent Four: I highly doubt her parents will allow her to leave, don't get a lot of people care about what people say, and if she is not there GAME OVER watch the things they are going to make up and her parents wont like it [...]

I know that people shouldn't care about what others say (kz I dont) but people these days get really affected and there family "reputation" gets destroyed from the tongues of others [...] All I can say is may Allah swt be with you on this one sis and may he guide ur parents [...]

The site is subjected to moderation, primarily in relation to what are deemed "offensive, illegal or objectionable" postings, with users having the ability to report questionable postings or block emails and messages from other users through adding them to an "ignore list." To this extent the site mimics other social media sites such as Facebook.

The *Sydney Muslim Youth* website and "Ask the Sheikh" and "Ask the Members" forum appear to be the most democratic and open places of exchange for Islamic knowledge of the Australian websites reviewed. Non-Members can view the exchanges, while members can speak freely and put questions not only to the Islamic authority, but to their peers. This has the potential to empower users who may face social isolation, yet are able to discuss the problems they face in daily lives amongst a usually supportive cohort. The website encourages young people to actively engage with Islamic concepts in the application to everyday life in Australia and to interpret them based on their specific context, with guidance. This "mediated" *Itjihad* is the closest that any of the websites come to actively encouraging on-line participation. It is perhaps this site that best captures the positive possibilities of the net as a forum for exchange.

5. Analysis

While the Internet opens possibilities for the exploration of views on Islam, and demonstrates the diversity of the Islamic community, one should not forget that some members would contest and resist this liquid form of authority in the name of orthodoxy. Finally it is also important to remember that, in Islam, what counts as good practice has to have collective or communal consent: Islamic Law or *Shari'a* is based on communal approval and consensus, not on competition and adversarial confrontation as is characteristic of Western common law. One can argue that what is taking place on the Internet is the emergence of a new type of collective consent, namely the general consensus of opinion arising from Internet conversations. Such

electronic forums will, over time, develop their own normative consensus, and it can be interpreted that the new *ijtihad* will no longer be dominated by the voice of traditional (male) scholars steeped in Islamic classical knowledge.

TAB. 1 *Data Summary.*

		www.fatwa.org.au	www.darulfatwa.org.au	www.sydneymuslimyouth.com
Alexa (26/01/2014)	Global Rank	3,671,701	550,214	1,890,889
	Daily Page views per visitors	1.90	1.70	1.90
	Daily Time on Site	2:09	2:58	2:52
	Visitors by Country (5)	No data available	Saudi Arabia (25.4%) Egypt (15.3%) Algeria (12.9%) Indonesia (8.5%) Tunisia (8.1%)	No data available
ClusterMaps (26/01/2014)	Visitors by Country (5) From March 2013 to Jan 2014	Australia (25%) USA (14%) UK (12%) Pakistan (10%) India (9%)	No data available	No data available
Homepage presentation	Donation offered	Yes	Yes	No
	Other languages offered		Indonesian, Malaysian, Somali, Chinese, Dutch, Turkish, French	
	Presence of Arabic characters	No	Yes	In an illustrative fashion
	Access to information (e.g. text and lectures)	Articles and books	Articles, books and audio recordings	Articles, books and audio and video recordings.
Website goals	Specific reference to Australia	No	Yes	Yes
Summary of qualitative analysis		Less flexible in re-interpreting <i>Shari'a</i> in the new environment	Less flexible in re-interpreting <i>Shari'a</i> in the new environment	More flexible in re-interpreting <i>Shari'a</i> in the new environment
Sheikh		Born overseas	Born overseas	Born in Australia

Source: Authors' Elaboration.

Although we cannot generalise these findings for the whole Muslim community in Australia, we have been able to get an educated look at three case studies on the Internet that inform us of some practices. As summarised in Tab. 1, while *darulfatwa.org* is clearly aiming at an international audience (and has the highest global rank) and is visited by overseas internet users, *fatwa.org.au* and *sydney-muslimyouth.com* are clearly more aimed at Australia, although *fatwa.org.au* receives questions from other countries such as India and Fiji. We can see in these three sites different approaches to the de-territorialisation process in which one site, even if Australian based, is focused at the international level, to another one, created by an Australian born Sheikh who, in his *fatwas*, re-territorialises his community to Sydney by interpreting and applying *Shari‘a* in a more local context. However by re-territorialisation, we do not make reference to the domesticating of Islam (i.e. the regulation of Islamic practices and legal arrangements into the format of the Nation State [Sunier 2014], as for example, www.fatwa.org.au does recommend Muslims not to watch the new year fireworks (<http://www.fatwa.org.au/watching-fireworks-on-new-years-eve.html>), to refrain from going to the funeral of a non Muslim (<http://www.fatwa.org.au/attending-non-muslims-funeral.html>), and to joining Christians in celebrating Christmas (<http://www.fatwa.org.au/eating-christmas-food.html>). The site also supports polygamy (<http://www.fatwa.org.au/distribution-of-nights-between-two-wives.html>). *Sydney-muslimyouth* is more open to religious diversity as it is claimed that it is fine for a Muslim to visit a church as long as there is no worship nor prayers taking place (<http://www.sydney-muslimyouth.com/smyforum.showthread.php?1677-Is-this-haram-to-go-to-church>), but the site does recommend Muslims to not sit in a pub or venue to watch bands play (<http://www.sydney-muslimyouth.com/smyforum.showthread.php?1691-Going-inside-a-pub>), and argues that a woman can't be a leader of a group that has any males (<http://www.sydney-muslimyouth.com/smyforum.showthread.php?764-why-women-cannot-be-leaders>).

Similar to the discussion between globalisation and glocalisation, we should not fully embrace this notion of de-territorialisation and neither eliminate it. This process as outlined by Roy [2002; 2008] happens quite clearly on the Internet, but we can witness also some sites that are re-territorialising the *Shari‘a* within a global and cyber context. In this re-territorialising process, we see people using the internet to find and discuss ways to believe and practice Islam in a specific Australian environment. Although globalisation and the Internet have impacted on the dislocation between the Muslim system of values, beliefs and practices, and the social community that produced it (to say it with Obadia [2015, 6]), we can witness more clearly in the third case study how an Australian born generation is aiming at re-localising an Australian Muslim system of values. This process is also presented as less autocratic as it provides

more flexibility in interpreting and applying *Shari'a* in a specific western country. This is in line with other findings on other religions. For example, in a recent publication, Obadia [2012] argues that there are processes of re-territorialisation happening within global Buddhism, and that these have been under-researched.

One major factor that might explain the extent of the re-territorialisation of www.sydneymuslimyouth.com is the fact that its Sheikh was born in Australia. Akbarzadeh [2013] makes reference to imported Imams in Australia who fail to reach young Australian Muslims because of their lack of firm knowledge of the Australian culture. This might explain why the first websites are tapping more into an international and de-territorialised audience. It is hard to make a generalising claim from this case study analysis, but we could perhaps expect that as the number of western born Sheikhs is growing, a process of re-territorialising of *Shari'a* might also grow.

References

Abdel-Fadil, M.

2011 "The Islam-Online Crisis: A Battle of Wasatiyya vs. Salafi Ideologies?" *CyberOrient* 5(1). <http://www.cyberorient.net/article.do?articleId=6239>

Akbarzadeh, A.

2013 "Investing in Mentoring and Educational Initiatives: The Limits of De-Radicalisation Programmes." *Journal of Muslim Minority Affairs* 33(94): 451-463.

Black A. and Hosen, N.

2009 "Fatwas. Their Role in Contemporary Secular Australia." *Griffith Law Review* 18(2): 405-427.

Black, A.

2010a "Legal Recognition of Shari'a Law. Is This the Right Direction for Australian Family Matters?" *Family Matters* 84: 64-67.

2010b "In the Shadow of Our Legal System: Shari'a in Australia." Pp. 239-254 in *Shari'a in the West*, edited by R. Ahdar and N. Aroney. Oxford: Oxford University Press.

Buckley, A.

2010 "Shari'ah, State Law and the 'Divorce Dilemma'. Challenges Facing Muslim Women in Western Countries." Pp. 76-104 in *Challenging Identities: Muslim Women in Australia*, edited by S. Akbarzadeh. Melbourne: Melbourne University Press.

Bunt, G.

2003 *Islam in the Digital Age. E-Jihad, Online Fatwas and Cyber Islamic Environments*. London: Pluto Press.

Possamai, Turner, Roose, Dagistanli and Voyce, "Shari'a" in Cyberspace.

Cowan, D.

2011 "The Internet." Pp. 459-473 in *The Routledge Handbook of Research Methods in the Study of Religion*, edited by Michael Stausberg and Steven Engler. New York: Routledge.

Deleuze, G. and Guattari, F.

1972 *L'Anti-Oedipe*. Paris: Les Editions de Minuit.

Flyvbjerg, B.

2001 *Making Social Science Matter. Why Social Inquiry Fails and How It Can Succeed Again*. Cambridge: Cambridge University Press.

Kort, A.

2005 "Dar al-Cyber Islam: Women Domestic Violence, and the Islamic Reformation on the World Wide Web." *Journal of Muslim Minority Affairs* 25(3): 363-383.

Hine, C.

2008 "Virtual Ethnography: Modes, Varieties, Affordances." Pp. 257-270 in *The Sage Handbook of Social Research Methods*, edited by P. Alasuutari, L. Bickman, and J. Brannen. London: Sage.

Hussain, J.

2004 *Islam: Its Law and Society*. Sidney: Federation Press [1st ed. 1999].

Hutchings, T.

2010 "Online Christian Churches: Three Case Studies." *Australian Religion Studies Review* 23(2): 346-369.

Linjakumpu, A.

2010 "Alternative Islamic Voices on the Internet." Pp. 37-48 in *Mediating Faiths. Religion and Socio-Cultural Change in the Twenty-First Century*, edited by M. Bailey and G. Redden. Reading: Ashgate.

Marcotte, R.D.

2010 "Gender and Sexuality Online on Australian Muslim Forums." *Contemporary Islam* 4: 117-138.

Milani, M. and Possamai, A.

2013 "The Nimatullahiya and Naqshbandiya Sufi Orders on the Internet: The Cyber-Construction of Tradition and the McDonaldisation of Spirituality." *Journal of the Academic Study of Religion* 26(1): 51-75.

Obadia, L.

2012 "Localised Deterritorialisation? The Case of the Glocalisation of Tibetan Buddhism in France and Worldwide." *International Social Science Journal* 209/210: 185-196.

2015 "Spatial Turn, Beyond Geography: A New Agenda for Sciences of Religion?" *International Review of Sociology* 25(2): 200-217.

Peucker, M., Roose, J.M. and Akbarzadeh, S.

2014 "Muslim Active Citizenship in Australia: Socioeconomic Challenges and the Emergence of a Muslim Elite" *Australian Journal of Political Science* 49(2): 282-299.

Roy, O.

2002 *L'Islam mondialisé*. Paris: Editions du Seuil.

2008 *La Sainte Ignorance. Le temps de la religion sans culture*. Paris: Editions du Seuil.

Saeed, A.

2010 "Reflections on the Establishment of Shari'a Courts in Australia." Pp. 223-238 in *Shari'a in the West*, edited by R. Ahdar and N. Aroney. Oxford: Oxford University Press.

Sands, K.Z.

2010 "Muslims, Identity and Multimodal Communication on the Internet." *Contemporary Islam* 4 (1): 139-155.

Schmidt, G.

2004 "Sufi Charisma on the Internet." Pp. 109-126 in *Sufism in Europe and North America*, edited by D. Westerlund. New York: Routledge.

Sisler, V.

2011 "Cyber Counsellors: Online Fatwas, Arbitration Tribunals and the Construction of Muslim Identity in the UK." *Information, Communication and Society* 14(8): 1136-1159.

Sunier, T.

2014 "Domesticating Islam: Exploring Academic Knowledge Production on Islam and Muslims in European Societies." *Ethnic and Racial Studies* 37(6): 1138-1155.

Turner, B.S.

2007 "Religious Authority and the New Media." *Theory Culture & Society* 24(2): 117-134.

Twining, W.

2000 *Globalization and Legal Theory*. London: Butterworths.

Weber, M.

1978 *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California. [1st ed. 1922].

"Shari'a" in Cyberspace.

A Case Study from Australia

Abstract: New forms of communication and greater accessibility of Islamic texts on-line allow Muslims to shape their own religiosity, to become less dependent on established sources of authority, and thereby to become more aware of their own cultural diversity as a community. New practices of transnational Islam, and the growth of new concepts of Muslim identities currently emerging in the on-line community, are relatively free from immediate constraints. This article provides the result of a sociological analysis of three Internet sites in Sydney which deliver on-line *fatwas*. Even if cyberspace has allowed the Muslim world to be de-territorialised and provides a way for people to distance themselves from traditional communities if they wish, this research points out a variety of approaches, including one case which is aiming at re-localising an Australian Muslim system of values. This case highlights ways in which first generation Muslims are re-territorialising *Shari'a* in a specific western country.

Keywords: *Shari'a; Fatwas; Cyberspace; De-territorialisation Process.*

Adam Possamai is Professor of Sociology and the Director of Research at the School of Social Sciences and Psychology at Western Sydney University. He has recently edited *The Sociology of Shari'a: Case Studies from around the World* with James T. Richardson and Bryan S. Turner [Springer 2015].

Bryan S. Turner is the Presidential Professor of Sociology and Director of the Mellon Committee for the Study of Religion, The Graduate Center, The City University of New York, Director of the Institute for Religion Politics and Society at the Australian Catholic University (Melbourne) and Guest Professor at Potsdam University Germany.

Joshua M. Roose is a Senior Research Fellow at the Institute for Religion, Politics and Society at the Australian Catholic University and has research interests in political Islam, Islamic law and citizenship. He is a Visiting Scholar at Harvard Law School and Secretary of the Australian Sociological Association (TASA). Correspondence to: Joshua.Roose@acu.edu.au

Selda Dagistanli is a lecturer in Criminology at Western Sydney University. Her research focuses on a range of inter-disciplinary areas relating to "cultures of abuse" and the racialisation of gendered violence; multiculturalism and anti-Muslim racism; cultural diversity and law; sentencing/punishment, and the intersections of disadvantage through gender, class and cultural/religious diversity.

Malcolm Voyce is an Associate Professor of Law at Macquarie University involved in teaching succession law and law and religion. Voyce has published widely on law and religion. He recently published in *Law & Critique*, *The Journal of Legal Pluralism*, *Journal of Law and Religion* and *The Australian Review of Religious Studies*. Currently he is working on *Foucault and Buddhism* [forthcoming with Ashgate].