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Comment on Possamai, Turner, Roose, Dagistanli and Voyce/2. The "Fatwa" Chaos, the Multiplication of Competent Authorities, and the State

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Comment on Possamai, Turner, Roose, Dagistanli and Voyce/2.

The “Fatwa” Chaos, the Multiplication of Competent Authorities, and the State

by Abdulhadi Khalaf

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1. Introduction

I share the authors' celebration of the new forms of communication, facilitated by the IT revolution, that can “allow Muslims to shape their own religiosity, to become less dependent on established sources of authority, and thereby become aware of their own diversity as a community” [Possamai et al. 2016, 1]. Similarly to its predecessors, including the printing press in the Nineteenth Century, or the transistor radios in 1950s, or the audiocassette tapes in the 1970s, the IT revolution's impact is deep and far-reaching. Like its predecessors, it is empowering a variety of new claimants to religious authority who seek to replace traditional authorities. More and more Muslims find it possible to choose among these competing authorities and to select a suitable *fatwa*, to solve an everyday conundrum and to smooth adjustments to live in the new environments. The “*fatwa* shopping” has become accessible to other categories than those privileged by wealth, political power or education. New channels for seeking *fatwas* are reaching new segments of the population who have access to satellite TVs and/or internet connection. In spite of expansion, the access to the services of the new religious authorities remains constrained by other factors including the limited access to satellite TVs and/or internet connections.

The authors also observe that while the new forms of communication did not result in the individualisation of authority or the establishment of subjective opinion over religious knowledge, they resulted in “a multiplication of competing authorities”

[*Ibidem*, 1]. The jury is still out with regard to the significance of the emerging authorities. Some of them, I contend, are genuine attempts to respond to the changing needs of various Muslim communities, others may best be described as franchises of *fatwa* authorities in X or Y Muslim states. The authors' optimism, while qualified, rests on not pursuing the role of the State in facilitating or constraining the emergence of new *fatwa* outlets in the countries of migration. The noted "multiplication of competing authorities" becomes relevant if one eliminates political interventions from home authorities.

I contend that the State, in most Muslim countries, remains capable of mobilizing its despotic and infrastructural capacities to hold on to a sufficiently functional control over the public spheres. Further, the survival of any new competent *fatwa* authority and its ability to engage in an equitable competition with state-sponsored *fatwa* outlets are far from certain. Abdel-Fadil [2011] provides an interesting case of the role of the State in determining the lifeline of *Islam Online*, IOL, one of the well-established religious websites. IOL emerged and prospered at a time Qatar and Egypt shared a common interest, i.e. to carve out a piece of the emerging field. In the subsequent power struggle between the two states, Qatar prevailed and took over control of IOL site, its mission, location and personnel.

Fringe and/or counter public spheres, including those opened up by the new forms of communication, when perceived as challenges to state authority, become subject to the proper State responses. These responses may include censorship; constraining access to undesirable sites; control of ISPs providers; delegating security agencies to monitor accounts and interactions, and/or persecution of sites owners and administrators. Even when these measures cannot be applied outside the territorial control of the State, it can resort to other measures ranging from discrediting aspirants to co-opting them. In the rest of my comment I will take up a few examples of measures taken by Muslim states in response to challenges to their dominance of the *fatwa* field.

2. Weird Australian Fatwas and the Fatwa Chaos

On May 21, 2016 the Arabic edition of *The Huffington Post*¹ raised the question "*Why weird fatwas are issued in Australia?*". The article takes up several other examples of the weird *fatwas* and actions by Muslim clerics in Australia. Among its

¹ See: http://www.huffpostarabi.com/2016/05/21/story_n_10006366.html (accessed June 27, 2016).

examples, the article refers to the fatwas issued by Sheikh Mustafa Rashid,² “the Imam and preacher of Sydney Mosque.” In one of them, the Sheikh considers wine drinking as *makrooh* and not *haram* and claims that “the Prophet Muhammad drank wine.” By the second *fatwa*, according to the *Post*, he encourages Muslims to pilgrimage to *Mount Sinai*, which is “more sacred than *Mecca*”.

The Australian story was widely publicized in Egyptian and other Arab media outlets. It was presented as yet another manifestation of what has long been known as the “*Fatwa Chaos*.”³ The perceived chaos is not new and certainly not unique to Australia. Arab media have allocated considerable space and air time to deal with the perceived threat. According to an editorial in the Egyptian semi-official daily, *كلذل* *حامسلا مدعو*, *ةح ي حصلا ةيمالسإل ا ةفاقثلا رشنو*, *ةنتفلا هذه يلع اضاقلل ناولا نأ دقف اظافحو*, *ةي صخشلا ءاوهأل اعنم*, *ءاتفإل رادو رهزالا ةخيشم قيرط ريغ نع يواتف رادصإب* *ل Abram*,⁴ “it is no longer possible to distinguish between a political opinion and a religious *fatwa*. Therefore, it is imperative, according to *كلذل* *حامسلا مدعو*, *ةح ي حصلا ةيمالسإل ا ةفاقثلا رشنو*, *ةنتفلا هذه يلع اضاقلل ناولا نأ دقف اظافحو*, *ةي صخشلا ءاوهأل اعنم*, *ءاتفإل رادو رهزالا ةخيشم قيرط ريغ نع يواتف رادصإب* *ل Abram*, “to put an end to this phenomenon by prohibiting issuing of *fatwas* except through legitimate channels such as al Azhar and [the Egyptian] Dar al-Ifta.” In *Thousand and One Fatwa* [2009] Fouad Matar links the *fatwa* chaos to the spread of satellite TV channels and the internet websites. Accessibility of competing *muftis* has generated what he calls *Fatwa-business* and *Fatwa-on-demand*.

The spread of “unsanctioned” *fatwas* has not escaped the attention of state authorities, in Egypt, Indonesia, Pakistan and Saudi Arabia, to name a few examples. While those authorities may have tolerated some exotic and weird *fatwas*, they evidently have been alarmed by the involvement of *fatwa* practitioners outside their reach, whether they are in countries of migration, or in their home countries living in the underground and the semi-underground environments.

² Many of his articles, that dealing with wine drinking, are deposited on <http://www.ahewar.org/m.asp?i=3699>

³ See for example: *يواتفلا يضوف* (Fatwa Chaos) in Saudi Daily *Al Riyadh* of January 25, 2006. <http://www.alriyadh.com/125329> (accessed June, 27, 2016).

⁴ *ءار او اياضق* (Fatwa Chaos) <http://www.ahram.org.eg/News/1014/4/244408/يواتفلا-ي-ضوف.aspx> (accessed June, 27, 2016).

3. Dealing with Chaos

The perceived state of chaos in the *fatwa* domain added urgency to calls for regulating the new realms of *fatwa* that have been voiced by clerics, government officials and security agencies. The matter became a recurrent theme for several Pan-Islamic conferences.⁵ The largest of these was the “قائمه لادنه نأش نم نأ نوصتخم ىريو” يف اهطب اوضو اهل ووصأ س ىر دتو ىم ال س إل مل اعلا يف اهتاس سؤم معدو ىوت فل اب ةي ان عل اء اءال لئال س مء اهتاي ل اعف مءتخا ىوت فل ل ىم ال اعلا ر مءؤم ل انكو. ةي عرشل تاي ل ل كل او ده اعلا اهي قف 170 نم رءكأ روض حب، ةمركم ل ةكم يف ىم ال س إل مل اعلا ةطب ارل ةم اعلا ةن ام ال ر ق م ب اءال س إل مل اعلا. International Conference on Fatwa & its Regulations” hosted by King Abdullah of Saudi Arabia in Mecca, on January 17-20, 2009. At the conclusion of their meeting, the 170 participating religious scholars proclaimed an unprecedented “*Fatwa Charter*”⁶، ةي عرشل تاي ل ل كل او ده اعلا يف اهطب اوضو اهل ووصأ س ىر دتو ىم ال س إل مل اعلا يف مل اعلا ةطب ارل ةم اعلا ةن ام ال ر ق م ب اءال لئال س مء اهتاي ل اعف مءتخا ىوت فل ل ىم ال اعلا ر مءؤم ل اءال س إل مل اعلا. defining rules and procedures governing issuing of *Fatwas*. It underscores the importance of “collective Ijtihad,” the threats emanating from “odd rulings” and “unauthorized edicts,” and it sets rules and mechanisms for issuing *Fatwas* on satellite channels.”⁷ The *Charter* may be the first collective endeavor by Muslim states to institutionalize the *fatwa* field, making it a business of the state exercised through state-approved clerics. The conference’s final document cautioned the media to exercise caution in propagating *fatwas* and to consult expert scholars in order to avoid the dissemination of unauthorized and unauthenticated edicts.

The resurrection of the idea of *collective Ijtihad* is an innovative and bold measure by major Muslim states to bypass the impossibility of reaching *ijma’a*, consensus, to regulate the *Fatwa* field and to re-appropriate major chunks of it. For, regardless of how despotic a State is, it cannot prevent a competent religious scholar from issuing *fatwas*. It can, however, constrain his inclination to do so by other measures includ-

⁵ For example, Kuwait: May 26-28, 2007 [<http://en.islamtoday.net/artshow-417-3006.htm>]; Pakistan: December 1-3, 2012 [<http://tribune.com.pk/story/474259/conference-on-fatwas-discouraging-issuance-of-edicts-by-non-state-actors/>]; Indonesia: December 26-28, 2012 [<http://ar.themwl.org/node/63>]; Egypt: August 17-18, 2015 [<http://www.alarabiya.net/ar/arab-and-world/egypt/2015/08/18/ىواتفل اىضوف ببس تاي ل اىضفل اءاعء اءاتفل اءمءؤم>] (All accessed June 27, 2016).

⁶ See text of the charter in: http://www.moqatel.com/openshare/Behoth/Denia9/Fatwa/mol12.doc_cvt.htm (accessed June 27, 2016).

⁷ International Conference on Fatwa underway in Makka [http://twocircles.net/2009jan18/international_conference_fatwa_underway_makkah.html#.V4QprMd-HjB] (accessed June 27, 2016). See also Fatwa charter signed in Saudi to curb abuses <https://www.alarabiya.net/articles/2009/01/22/64791.html> (accessed June, 27, 2016).

ing questioning his credentials, his mental capacities, or accusing him of entertaining impure influences.

It is doubtful that institutionalizing the *fatwa* field and introducing *collective Ijtihad* could bring the Muslim State back to full control. Such a project faces a plethora of obstacles and could be difficult to achieve. The most immediate obstacle may be the chronic power struggle among Muslim rulers on who, among them, represents the *true* Islam.

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The “Fatwa” Chaos, the Multiplication of Competent Authorities, and the State.

Abstract: The new forms of communication facilitated by the IT revolution have provided followers of various interpretations of Islam to participate in the newly opened public spheres. More and more Muslims find it possible to choose among these competing authorities and to select a suitable *fatwa*, to solve problems of everyday life and to smooth adjustments to living in the new environments. IT revolution is empowering a variety of new claimants to religious authority who aspire to state-sponsored traditional authorities. In spite of those changes, the role of the State and its institutions continues to dominate the field. The State, in Muslim countries, is able of mobilizing capacities to maintain its control over the public spheres in general. The success of any new competent *fatwa* authority and its ability to engage in an equitable competition with state-sponsored *fatwa* outlets are far from certain. Fringe and/or counter public spheres, including those opened up by the new forms of communication, can trigger a diversity harsh responses by the State. Even, in countries of migration, I suggest, these responses may include diverse ways of discrediting challengers to co-opting them.

Keywords: Fatwa Chaos; Collective Ijtihad; State; Fatwa Charter; Institutionalization.

Abdulhadi Khalaf is a senior researcher at the Department of Sociology, Lund University. His publications include *Constitutional Reform and Political Participation in the Gulf* (with the co-editor G. Luciani), Dubai: GRC [2006]; *Transit States: Labour, Migration and Citizenship in the Gulf* (with the co-editors A. Hanieh and O. AlShehabi), London: Pluto Press [2015]; “Precarious Citizenship in the GCC Countries,” *Inamo* 81 (20) [2015]; “On the Prelude to the 14th February Uprising,” in *Bahrain Uprising*, edited by A. Shehabi and M.O. Jones. London: Zed Books [2016].