

CYBER COUNSELLORS

Online fatwas, arbitration tribunals and the construction of Muslim identity in the UK

The Internet and satellite TV have introduced substantial innovations in both the production and the consumption of Islamic knowledge. The development of new infrastructures, skills and communication patterns has resulted in the emergence of 'new media ecology', where established traditional Muslim authorities compete for audiences with charismatic satellite preachers and Internet-based muftis. This article explores four distinct websites providing normative content for Muslim minorities in the UK. It focuses on the connections between these Islamic websites and global and local Islamic institutions, the interactions between online and offline Muslim communities and the ways in which the normative content online shapes offline religious manifestations and practices. By doing so, it aims to locate the sources of authority associated with these websites and to explore how Muslim identities are built, negotiated and performed in new discursive spaces. Essentially, this article argues that the underlying logic behind Islamic cyber counselling emphasizes the role of self, the privatization of faith and the increasing insistence on religion as a system of values and ethics. It also demonstrates that the popularity of Internet preachers and muftis converges with the broader transformation of contemporary religiosity, which similarly emphasizes the role of the individual. Such transformation promotes a ready-made and easily accessible set of norms and values that might bring order to daily life and define a practical and visible identity. Nevertheless, the article also demonstrates that the Internet has in the long term reinforced culturally dominant social networks and that while fuelling individualization and privatization of faith, the Internet simultaneously asserts conformity and compliance with established religious authorities.

Keywords religion online; Muslim minorities; Islamic law; information and communication technology; identity; religious authority

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The Internet and information and communication technologies create new public sphere(s) where different, and oftentimes conflicting, concepts of Muslim identity are negotiated. By doing so, the Internet and satellite TV have introduced substantial innovations in both production and consumption of Islamic knowledge (Mariani 2006, p. 131; Khamis & Sisler 2010). The development of new infrastructures, skills and communication patterns has resulted in the emergence of a 'new media ecology', where established traditional Muslim authorities compete for audiences against charismatic satellite preachers and Internet-based muftis (Anderson 2003, p. 45). The development of this new media ecology is particularly relevant to European Muslim communities, where experiences of cultural displacement and negotiations on hybridity and authenticity are at the heart of contemporary life (Metcalf 1996, p. 22). There are thousands of sites providing specific 'Islamic' content for Muslim minorities, ranging from traditional outlets, i.e. fatwas and sermons, through audio lectures and podcasts, to social networking sites and the vibrant blogosphere. These all exemplify what Bunt (2003) calls 'cyber Islamic environments' and constitute a space where contemporary Islam is articulated.

Therefore, this article aims to transcend the media-centric logic and to analyse the impact of new media in light of the above-mentioned interdependency and hybridization within the broader social, cultural and political context of Muslim minorities living in the UK. It particularly focuses on English Sunni websites and explores their fatwas, i.e. legal and religious recommendations issued in response to individual enquiries, and other forms of counsel addressing specific issues arising from living as a minority in a non-Muslim majority setting. The article stems from a research project on the production of contemporary Islamic knowledge in Europe. During the project, more than 500 fatwas, among other materials, were downloaded, archived and analysed in the period between 2006 and 2009. Yet, instead of the textual analysis of the respective fatwas which was carried out in the author's previous research (Sisler 2009), this article focuses on the connections between Islamic websites and global and local Islamic institutions, the interactions between online and offline Muslim communities and the ways in which the normative content online shapes offline religious manifestations and practices. By doing so, it aims to locate the sources of authority associated with these websites and explores how Muslim identities are built, negotiated and performed in new discursive spaces. As Abdel-Fadil (2011) notes, previous studies on religious websites tend to argue that the Internet is a space for negotiation and contestation of traditional religious authority. Still, as Campbell (2007, p. 2) points out, such claims are rarely sufficiently substantiated, nor do they distinguish between different layers of religious authority. Campbell calls on researchers to identify what specific form or type of religious authority is affected. This article focuses on the contestation of religious authority in

terms of hierarchy and practice. By doing so, it explores the interactions between the websites and their users which allow individual believers to take active part in the Islamic discourse online by shaping and/or creating the websites' content.

This article argues that the underlying logic behind Islamic cyber counselling, which is driven by individual petitions and enquiries, emphasizes the role of self, the privatization of faith and the increasing insistence on religion as a system of values and ethics. It also demonstrates that the popularity of Internet preachers and muftis converges with the broader transformation of contemporary religiosity, which similarly emphasizes the role of the individual. Such transformation promotes a ready-made and easily accessible set of norms and values that can bring order to daily lives and define a practical and visible identity (Roy 2004, p. 31). Easily accessible and searchable databases of fatwas provide exactly such pre-set knowledge and codes of behaviour the individual can choose from. Moreover, through the institutions of *shari'a* councils and arbitration tribunals, these concepts of Muslim identity emerging online could subsequently be incorporated into the existing European legal framework. By doing so, Muslim authorities associated with the counselling websites and the *shari'a* councils simultaneously reinforce their authority within local Muslim communities. Therefore, the article argues that the Internet has in the long term reinforced culturally dominant social networks and that while fuelling individualization and privatization of faith, it simultaneously asserts conformity to and compliance with established religious structures.

For several reasons, this article limits its scope to Sunni websites and Sunni authorities and institutions. First, unlike in Shi'a Islam, in Sunni Islam, there is no officially recognized hierarchy of religious authorities and the existence of different, oftentimes conflicting, discourses and interpretations has always been the norm. Second, as Bunt's (2003, 2006, 2010) research on Islam in the digital age has demonstrated, the emergence of the Internet has particularly highlighted the myriads of sects and movements within Sunni Islam that actively use the Internet for establishing themselves as the interpretive authority. Third, most of the *shari'a* councils and arbitration tribunals currently operating in the UK fall within the scope of Sunni Islam.

Muslim minorities in Europe and in the UK

The term 'Muslim minorities' does not refer to a homogeneous entity in the European context, nor can it be easily outlined and utilized in a discourse regarding religious and cultural practices. Muslims in Europe vary greatly in their nationality, ethnicity and beliefs. In Western Europe, the Muslim presence is mostly related to immigration that began after the Second World War. Yet in the UK, the Muslim presence dates back to centuries. As Ali *et al.* (2009, p. 8) note, Muslims have established a long-standing relation with the UK,

which is traceable to the seventeenth century, mainly in diplomatic, commercial and scholarly missions. As a result of the colonial encounter with British Muslim colonies, in 1842, about 3,000 Muslim seamen known as ‘lascars’ were said to have been the earliest Muslim settlers in the UK. They were most probably staffers of the East India Company from Yemen, Gujarat, Assam and Bengal who used to visit the UK occasionally but gradually settled and even married in port towns and cities like Cardiff, Liverpool, Glasgow and London. Similarly, from the 1920s up to 1970, there was another influx of Muslims (mostly from Asia). This group migrated to the UK to make up for labour shortages in many industrial areas like the Midlands, London, Lancashire and Yorkshire. Therefore, Ali *et al.* (2009, p. 9) argue that Muslims have been living in the UK for hundreds of years, and as observed from their practices in their early contact, ‘they exhibited some resistance to the culture of their host community in maintaining their religious rituals like funerals, naming ceremonies, marriages, form of worship, food, etc’. This, in turn, showed ‘their preparedness to preserve their identity which was threatened as a result of disconnectedness from their homelands and the fear of cultural assimilation’ (Ali *et al.* 2009). Similarly, the question of cultural identity constitutes the key and the underlying issue of the Islamic websites and councils for Muslim minorities in the UK today.

Existing research on the production of Islamic knowledge in Europe (Nielsen 1992; Metcalf 1996; van Bruinessen 2003; Caeiro 2004; Roy 2004; Peter 2006) points out a few key factors that have to be taken into account when analysing the fatwa-issuing websites and *shari’a* councils. The very existence of a Muslim minority in a non-Muslim society implies that there are no Muslim authorities appointed by the state and that *shari’a* is not officially recognized as a source of law. The former strengthens the fragmentation of religious authority, individualization and privatization of Islam (Peter 2006), whereas the latter transforms the observance of Islamic rules into a matter of individual choice. Without the enforceable legal and social framework of the majority Muslim society, the role of personal and voluntarily adherence becomes more important in the following Islamic law. Correspondingly – particularly in Western Europe – where Muslim minorities come from diverse backgrounds and lack a common cultural or linguistical heritage, the Muslim identity has to be reinvented and recast in terms of codes of comportment, values and beliefs. As Roy (2004, p. 23) puts it, this identity, self-evident so long as it belonged to an inherited cultural legacy, has to express itself explicitly in a non-Muslim or Western context.

In this respect, Ali *et al.* (2009, p. 7) argue that among Muslim minorities in the UK, religious identity appears to create formidable networks of multiple identities with members willing to abandon their ethnicity for religious solidarity. This is particularly observed in relation to the second generation of Muslims, who prefer to be addressed as British Muslims as opposed to say Arabs, Pakistanis, etc. (Leweling 2005). As such, the various representations of Muslim identity in

the UK could no longer be analysed within the discourse of foreign or immigrant cultures but, more precisely, in the contexts of globalization, deterritorialization and transnationalism (Roy 2004). It is precisely the imaginary space of transnational *umma*, enhanced by the Internet and communication technologies, where traditional Islamic law regains its significance and relevance to the daily life manifestations of identity through constant discussions, enquiries and admonitions.

Islamic law in the UK

The Egyptian-born, yet globally influential, Muslim scholar, Yūsuf al-Qaradāwī (2005, p. 7), stated that it is by adherence to Islamic law that Muslim minorities living in non-Muslim societies reaffirm their identity. *Sharī'a* has a central position in Islam and covers issues of legal, ritual and ethical nature, which are not necessarily regulated by law in the European sense of the word. *Sharī'a* in theory expresses the Law of God as directly revealed in the Qur'ān and manifested by the deeds and sayings of the prophet Muhammad and his companions, as recorded in the *hadīth*. As such, *sharī'a* is in principle eternal and unchangeable. Yet we have to distinguish between *sharī'a* as a concept and as the concrete rules of law, determined by particular methodologies and interpretations of the sacred texts. Thus, the normative content of *sharī'a* necessarily evolves and undergoes changes in order to comply with new social and economic realities. This is done through constant re-interpretation and social re-integration of the Quranic verses and the *hadīth* by jurisprudence. At the same time, *sharī'a* constitutes more a set of values and a normative framework than a positive law framework in the European sense (Roy 2004, p. 197). Yet as El-Nawawy and Khamis (2009, p. 91) put it, although the *sharī'a* had been largely abandoned in most practical applications, following the colonial epoch at the conception of the modern nation-state, this did not eradicate its cultural relevance and ethical significance for the *umma*. In the European Muslim minority context, it is mainly the institute of issuing fatwas and private counselling that emphasize the role of the individual and promote voluntarily adherence to Islamic law.

Fatwa is a traditional institution in Islamic law and presents an answer to a real or hypothetical enquiry, oftentimes related to the interpretation of religious texts in the light of contemporary conditions. It is addressed from a petitioner (*mustaftī*) to a religious and legal authority (*muftī*). Essentially, fatwa is not legally binding, unless sanctioned by the state, and its persuasive power is therefore based primarily on the authority of the *muftī*, who issued it. Due to the above-mentioned non-existence of official Islamic authorities in the Western Europe, fatwas became the primary mechanism for dealing with normative issues (Caeiro 2003, p. 3).

As Ali *et al.* (2009, p. 12) argue, unlike public law, Islamic personal law does not necessarily require the state to function. The practices it covers have been

those common among Muslim diasporic communities. European legal systems may provide for these practices at a general level, but this does not exclude the application of Islamic injunctions on them. Thus, while Muslims apply the religio-legal dictates on one hand, they also comply with European secular laws on the other hand. This has made the Muslim diaspora subject to dual laws, a situation described in the UK as *Angrezi Shariat* (Pearl & Menski 1998; Yilmaz 2004).

Nevertheless, and contrary to the popular notion, *shari'a* is already applied in the UK today. Particularly, in matters governed by the principle of contractual freedom, it is incorporated into the UK legal system through the institutions of mediation and arbitration (Rohe 2007). In such cases, the disputing parties present their concerns to a Muslim arbiter and stipulate in a civil law contract that they will follow his decision. The arbiter thereafter judges the case according to *shari'a*; yet his decision is enforceable through civil law and the courts. Therefore, beyond exploring the fatwa-issuing websites based on a voluntarily adherence to Islamic law, this article also discusses the arbitration tribunals and *shari'a* councils and the various ways in which they utilize the Internet in order to connect with their local communities and establish themselves as a source of authority.

The Internet, Muslim minorities and construction of identity

Roy (2004, p. 10) argued that in contemporary production of Islamic knowledge, the Internet plays an overwhelmingly important role 'as exemplified in the texts, ideas and speeches that are circulating worldwide'. This is particularly relevant to Muslim minorities in the UK, where the Internet has become an important adjunct to traditional means of communication about Islam (Bunt 2006, p. 13). Along the same lines, El-Nawawy and Khamis (2009, p. 117) argue that Muslims living in non-Muslim societies can re-establish connections with their religion through the various services provided by Islamic websites and thus reconstruct their identities as members of the Islamic faith.

The issue of identity construction relates closely to what Eickelman and Piscatori (2004) call the 'objectification of Islam', i.e. 'the process by which basic questions come to the fore in the consciousness of large numbers of believers: "What is my religion?" "Why is it important in my life?" and "How do my beliefs guide my conduct?"' (p. 38). In the UK, this process also appears connected to larger processes of social change and intergenerational shift (Caeiro 2010). This shift from the first generation of Muslim immigrants to subsequent generations of British Muslim citizens can be broadly described as a shift from a 'lived Islam' to a 'constructed Islam' (Babès 2004), and it inevitably encompasses the search for religious authority and 'true' Islamic identity. Therefore, various

websites providing normative content for Muslim minorities discussed below should be approached as venues for 'virtual rituals' of 'identity making' through which immigrant or diasporic Muslims preserve or reconstruct their religious identities. These online platforms range from global Islamic websites, based in Muslim majority countries, yet addressing Muslim communities from all over the world, to local authorities and councils focusing on geographically defined constituencies, yet offering their normative content to a global English-speaking audience.

Before exploring these particular websites, we have to discuss the concept of *umma*. Throughout this article, we utilize the term broadly to mean Islamic community, i.e. as an operational term as it generally used by Islamic websites and many Muslim authors (e.g. al-Qaradāwī 2005; El-Nawawy & Khamis 2009). El-Nawawy and Khamis (2009, p. 114) argue that the Internet, as one of the most recent forms of communication, has profound implications on spreading new ideas, values and beliefs among Muslims, bridging geographical barriers as well as social, political and cultural differences. El-Nawawy and Khamis (2009) suggest that the Internet is a key player in transforming the actual Islamic community, the *umma*, into an imagined community in cyberspace. As the textual analyses of online fatwas (Sisler 2009) and discussion boards (El-Nawawy & Khamis 2009) demonstrate, the concept of *umma* is indeed regularly promoted by the authorities associated with these websites. Yet as the empirical research of Bunt (2009) and Etling *et al.* (2009) suggest that what is emerging on the Internet is not necessarily a single, virtual Islamic *umma*, but rather a network of parallel, yet interconnected, public spheres organized primarily along the lines of belief, language, nationality and citizenship. As a result, the virtual *umma* is characterized by both feelings of uniformity, as well as diversity and plurality among its members, a topic discussed in the case studies provided below.

Fatwa-Online

Fatwa-online.com is an English-language website launched in 1999 and registered in Medina, Saudi Arabia. The site addresses an English-speaking audience, particularly Muslims living in non-Muslim countries, as expressed in its mission statement 'Whilst English-speaking Muslims have been starved of access to officially-published fatwas which originate in the Arabic language, our aim is to make available online, these and many other fatwas in the English language for the first time'.¹

The term 'officially published fatwas' refers mainly to fatwas issued by the 'Permanent Committee for Islamic Research and Fatwa' of Saudi Arabia, as established by a Royal Decree in 1971,² as well to fatwas issued by other prominent Saudi Arabian scholars. Nevertheless, the site is not the official website of the Permanent Committee, but rather it is an integral part of an informal

webring of eight interlinked *salafī* websites, i.e. hijra.net, madeenah.com, markazquba.com, smatch.net, subulassalaam.com and UmmahServices.com, all registered by the same registrant.

The term *salafīyya* originally designated the followers of the ideas and practices of the so-called 'righteous ancestors' (*al-salaf al-sālih*). The approach of *salafīyya* generally rejects later traditions and schools of thought, calling for a return to the Qur'ān and the *sunna* as the authentic basis for Muslim life. By the end of the twentieth century, however, the term *salafī* came to be applied to different variants of Islamic revivalism (Voll 2004).

The Fatwa-Online web page includes a section labelled 'Muslim minorities', where fatwas directly addressed to Muslims living in the West are published. These consist mainly of the fatwas of two respected Saudi scholars, i.e. Shaykh 'Abdul-'Azeez Ibn Baaz, former Grand Mufti of Saudi Arabia, and his student, Shaykh Muhammad Ibn Saalih Ibn 'Uthaymeen, a former member of the Council of Senior Scholars of the Kingdom. The underlying logic behind the fatwas disseminated through Fatwa-Online resonates with the notion of oneness and the unchangeability of *sharī'a*, which is valid for Muslims in all places at all times, regardless of their social or political conditions (Sisler 2009).

The fatwas published by Fatwa-Online claim the validity of Islamic law for all Muslims, regardless of their place of residence, and its superiority over man-made laws, particularly in cases regarding marriage and divorce, since 'it is not permissible for a Muslim to follow, either in his worship or in his dealings with others, other than what is laid down in Islamic law'.³ Correspondingly, they declare void any marriage in which the wife converts to Islam while the husband does not.⁴ In a fatwa dealing with the permissibility of studying and working in mixed-sex environments, Shaykh Ibn 'Uthaymeen obliges Muslims living in the West to 'abandon their livelihood and seek another from another direction or from another country' if it is not possible for them 'to gain a livelihood except by what Allaah has forbidden, namely through the mixing of men and women'.⁵ Along the same lines, Shaykh Ibn Baaz advises Muslims living in Europe not to marry non-Muslim women, even though this is permissible in traditional Islamic law in the case of the People of the Book, i.e. Christians and Jews, since 'at this time when evil and wickedness has increased ... [t]he kuffaar have gained the upper hand over the Muslims, and women in the countries of the kuffaar have power and authority and dominate their Muslim husbands and try to attract them and their children to their false religion'.⁶ Finally, another fatwa forbids Muslims living in non-Islamic countries to call the non-Muslims 'brothers' or 'sisters' because brotherhood, if not established by descent, is only in faith.⁷

These fatwas issued by prominent Saudi Arabian scholars emphasize, in fact, religiously based neo-ethnicity and promote *communitarisation*, i.e. the trend of identifying people primarily as an ethno-cultural or religious group and only secondarily as individual citizens (Roy 2004, p. 20). They also urge believers to

adhere to a strict interpretation of Islamic Law, particularly in matters related to practices defining visible and audible Muslim identity. Such an approach directly contradicts the concept of jurisprudence of minorities (*fiqh al-aqalliyyāt*) as promoted by Yūsuf al-Qaradāwī and other, mainly European and North American, Muslim scholars (see below). Thus, the translation of originally Saudi Arabian fatwas into English and their agile dissemination through various media outlets reflect a broader struggle over interpretive authority in Sunni Islam.

Beyond textual material, the site also offers audio files of Quranic recitations and sermons by respected Saudi Arabian scholars for download. This in particular meets Amin and Gher's (2000) claim of oral cultural heritage pertaining to digital communication in the Arab Muslim world. By the same token, El-Nawawy and Khamis (2009, p. 77) argue that 'in today's virtual Islamic community many Islamic websites, in an attempt to gain the trust of their visitors, are trying to reflect the oral tradition by allowing these visitors to download Quranic recitations, with a high sound quality, for free'. This notion echoes what White (1999) calls the 'orality of trust', i.e. the local bonds created through word of mouth and simultaneous face-to-face interactions which form the backbone of social cohesion in Islamic countries. Yet as White argues 'the depersonalized language of modern media has limited credibility in niche ecologies characterized by a culture of orality and personal interactions' (p. 176). Therefore, Fatwa-Online's efforts to provide its readers with authentic audio sermons by respected scholars should be perceived not only as a way to establish the authority of the *salafī* message itself, but also as a way to maintain the site's credibility *per se*.

In terms of interactions between online platforms and offline religious communities, Fatwa-Online does not enable direct communication between petitioners and muftis, although the authors add new fatwas on a regular basis (Bunt 2003, p. 143). Instead of utilizing the interactive potential of the medium, the authors of Fatwa-Online view the Internet as an emerging sphere where the *salafī* message should be disseminated. As such, the site does not provide space for dialogue or critical deliberations, but rather it translates the already existing religious knowledge into a new digital domain.

Yet the other sites linked to the Fatwa-Online webbing are more interactive. These include smatch.net, which is an 'online matrimonial resource designed for Salafī adults to find their suitable Salafī marriage partner'⁸ and UmmahServices.com, which offers various 'certified third party services', such as paying a *fidya*, a redemption for the monetary value of one sheep in exchange for excusal from certain religious duties during the hajj, or *sadaqa*, the alms giving at the end of Ramadan.⁹ All these services are paid through PayPal and the owners of the site guarantee that they will be performed 'according to the noble Qur'an and the authentic Sunna'.¹⁰ With a single click, believers from all over the world can feed the fasting inside *Al-Masjid an-Nabawī* during the month of Ramadan or pay the *badal hajj*, i.e. the performance of the obligatory hajj on

behalf of those who have died before having done so.¹¹ Upon receipt of online payment, the *badal hajj* will be performed by a student from the Islamic University of Medina or Umm al-Qura University in Mecca, who will complete all the hajj rites and, at the same time, 'benefit from the fee he receives by allowing him to maintain himself or his family whilst studying'.¹² Not only do online platforms such as UmmahServices.com effectively establish a new kind of Islamic e-commerce, but, more importantly, they substantially transform the performance of traditional Muslim rituals.

Therefore, through the 'cyber Islamic environment' of UmmahServices.com, the concept of 'religion online' (Helland 2000) directly connects to offline practices and local communities. In this context, Wellman and Gulia (2003, p. 187) argue that while operating via the Internet, virtual communities are simultaneously becoming more global and local, as worldwide connectivity and domestic matters intersect. Global connectivity de-emphasizes the importance of locality for community; online relationships may be more stimulating than suburban neighborhoods.

The Fatwa-Online webbing provides precisely such global connectivity to the *salafī* Muslim community. It links Muslims living in the West with students in Mecca and Medina through participation in collective rituals, enables them to find a spouse within their local *salafī* community and provides them with a collection of fatwas offering a ready-made and easily accessible set of norms and values. Here, the 'post-Islamist' discourse, promoting Islamic piety and implementation of *sharī'a* on a basis of personal adherence, intersects with the 'deterritorialisation of Islam' (Roy 2004, p. 2) experienced among second- and third-generation migrants in the West and further enhanced by the role of new information and communication technologies. The online community formed around Fatwa-Online, which further expands to real-world social networks, fits in particular Roy's claim (2004, p. 30) that in conditions of globalization, westernization and the impact of living as a minority, Muslim communities are no longer 'the product of a given culture or civilization, but of the will of individuals who experience a process of individualization through deculturation and who, explicitly and voluntarily, decide to join a new community based solely on the explicit tenets of religion'.

IslamOnline.net/OnIslam.net

The Arabic and English website IslamOnline.net was launched on 24 June 1997. It is owned and controlled by the Al-Balagh Cultural Society, a non-profit company registered in Doha, Qatar (Mariani 2006, p. 136). Although the website is registered in Qatar as well, it until recently operated mainly from Cairo, Egypt. According to its mission statement, IslamOnline aims 'to

present the unified and lively nature of Islam that is keeping up with modern times in all areas'.¹³

The research for this article, including downloading, archiving and analysing fatwas from the IslamOnline website, was conducted during 2008–2009. In March 2010, while writing this article, IslamOnline went through a major crisis, described below, which resulted in a substantial reorganization of the website and its content. The following text analyses the content of the former English website which was still available online in the time of writing, although it appears not to have been updated since April 2010. Nevertheless, the interactive services the site rendered are available on a new platform called OnIslam.net which is mostly maintained by the original team of IslamOnline (see below).

IslamOnline represents one of the most influential fatwa-issuing websites (Bunt 2003; Mariani 2006; Gräf 2007). It offers a vast, searchable fatwa database forms for electronically submitting an enquiry for a new fatwa and live 'fatwa sessions' with various muftis who immediately answer users' questions. The body of muftis and counsellors associated with IslamOnline is large and until recently consisted of many different authorities, ranging from al-Azhar graduates to European and North American imams. Yet, the site used to be specifically connected with the highly influential Egyptian scholar, Yūsuf al-Qaradāwī, who supervised the overall management of the site. Qaradāwī received his religious training at al-Azhar and to a large extent owes his international 'fame' to his program *al-Sharī'a wa-l-Hayāt* (Sharī'a and Life) aired on the Qatari satellite TV station, Al-Jazeera (Mariani 2006, p. 134).

Qaradāwī coined the concept of *fiqh al-aqalliyyāt* (jurisprudence of minorities) and dedicated a whole legal treatise to this topic (al-Qaradāwī 2005). He argues that Islamic law is valid for all Muslims regardless of their country of residence; nevertheless, the jurisprudence of minorities should take into account such minorities' respective place, time and conditions. The main aim of *fiqh al-aqalliyyāt* is to help Muslim minorities lead wholesome Islamic lives according to *sharī'a* while maintaining positive interactions with the non-Muslim majority (al-Qaradāwī 2005, p. 23). A key fatwa in this respect states that 'since those Muslims are not living in Islamic countries and they have to respect the laws and rules of the countries where they live, some of the teachings of Islam, especially recommended deeds, are not fully applied on (sic) them'.¹⁴ However, 'they have to strive their best (sic) to apply as much as they can of the teachings of Islam'.¹⁵ Taking a different tack, another fatwa states that Muslim minorities 'are supposed to hold fast to the marked features of their own Islamic identity and never try to compromise their faith in order to fit in their societies'.¹⁶ Nevertheless, in certain situations, 'the law of necessity may apply to certain individuals under specific circumstances'.¹⁷ As an example, it mentions wearing a *niqāb* which, while acceptable in certain countries, could be considered extremely bizarre and out of the ordinary in others. In the

latter case, Muslims living in the West 'should always look at the pros and cons and try [their] best to apply the rules of Islam to the best of our ability'.¹⁸

Most of the above-mentioned fatwas on IslamOnline adhered to the concept of *fiqh al-aqalliyyāt*, although the different interpretations result in significantly different decisions. Nevertheless, namely in comparison with the previously described Fatwa-Online, IslamOnline as a whole presented a more moderate approach towards Islamic law. The site seemed to follow the concept of 'balance and moderation' (*al-wasatiyya wa-l-i'tidāl*) as coined by Qaradāwī and adopted by other Muslim scholars. It refers to the maintenance of a balance between old and new as well as between the different Islamic legal schools and doctrines. Moderation then means opposition to extremism, which, according to Qaradāwī, can include both secular and radical trends (Gräf 2007, p. 3). In contrast with Fatwa-Online and its legalistic interpretation of *shari'a*, IslamOnline tried to reconcile Islamic law with contemporary conditions.

At the same time, IslamOnline was distinguished by its technological standards and the extent of interactivity and engagement available to the user. In comparison with the site Fatwa-Online, which mainly re-publishes fatwas issued elsewhere, IslamOnline enabled direct deliverance of fatwas in a live, computer-mediated session. Not only did this feature utilize the potential of ICT to its full extent, but it also enhanced the attractiveness and topicalness of the site.

While exploring online–offline interaction, we should take into account the recent expansion of IslamOnline into a new digital domain called Second Life: an online multi-user virtual world. Second Life is a privately owned, subscription-based 3D application created by the company Linden Lab and launched in 2003. Second Life presents an entirely user-created environment in which members use official design tools to shape the in-world (Radde-Antweiler 2007, p. 187). IslamOnline sponsored a virtual re-creation of the city of Mecca and a simulation of the Hajj pilgrimage. This product was released in December 2007, just prior to the 2007–2008 Hajj season. The purpose of the simulation was to educate Muslims about how to participate in the Hajj and non-Muslims about this important ritual and the various steps that pilgrims take. The Hajj simulation in Second Life reconstructs a realistic environment and allows users to freely explore it, move from one stage of the simulation to another, and interact with its objects. Yet, more importantly, it allows users to share their experience with others through both visual representation (via avatars) and a textual in-world chat and messaging system. Therefore, by creating a perception of mutual 'presence' among its individual visitors, the Hajj simulation can be experienced collectively and even facilitate 'ritual experience' for some of its users, as reported by Heidbrink (2007) and Derrickson (2008). At the same time, former IslamOnline regularly utilized Second Life for online lectures and interviews, creating a

platform where individual Muslims from all over the world can engage directly in dialogue with respected scholars in a high-tech virtual environment.

As we have indicated above, in March 2010, the Al-Balagh Society decided to reorganize the website and to transfer supervision of its content and technology, as well as its administration, from its Cairo-based editors to the association's main headquarters in Doha (MEMRI 2010). In response to this move, some 300 of the website's Cairo employees, who faced layoffs as a result of the decision, launched a strike. After interceding on their behalf, Sheikh Yūsuf al-Qaradāwī was dismissed by the Qatari government from his position as chairman of Al-Balagh's board of directors. The employees, in collaboration with al-Qaradāwī, responded by launching a new website called OnIslam.net that would, according to their statement, continue the Islamic legacy already established by former IslamOnline (MEMRI 2010). The Arabic version of the original IslamOnline website has been substantially changed, reflecting the owners' aim to limit its content to religious issues only, while the English version of the site was still available online in the time of writing.

Abdel-Fadil's (2011) research on the above-mentioned IslamOnline crisis provides rich ethnographic details about the time before, during and after the crisis. She shows how the members of the original IslamOnline team were determined to defend their work which they essentially perceived in ideological terms as 'conveying the message of moderate Islam'. More importantly, Abdel-Fadil's work supports Campbell's (2007) claim about authority being multi-layered. It demonstrates that the struggle between IslamOnline Cairo and the Qatari board was hierarchical, in that the latter had more formal and financial power. Still Abdel-Fadil's data indicate that there may not have been a single conflict of authority at the core of the IslamOnline crisis. Rather a set of intersecting, and perhaps contradictory, tensions (ideological, political and inefficient management) seemed to have been in play. Yet, intriguingly, all crisis-narratives seemed to reproduce IslamOnline Cairo's 'corporate ideology' which was manifested in the successful transition of the original message and content to a new site, including the interactive services and the Hajj simulation in Second Life (Afify 2010). Therefore, the case of former IslamOnline/OnIslam fits in particular Anderson's (2008) claim that messages in Islamic cyberspace migrate across technological and institutional boundaries and move from one platform to another.

Islamic Shari'a Council

The Islamic Shari'a Council is a quasi-Islamic court founded in 1982 in Birmingham, UK. It strives to represent an 'authoritative body' consisting of a panel of scholars from many established institutions in the UK, including the London Central Mosque and Islamic Cultural Centre in London, the Jamia Mosque

and Islamic Centre in Birmingham and the Islamic Centre in Glasgow. According to its mission statement:

The Council considers itself to be a stabilising influence within the UK Muslim community. Outside of Muslim countries, Islamic institutions are essential for the survival of Muslim communities. [They] preserve the Muslim identity of a community and create a protective environment for young and old alike.¹⁹

The Council issues fatwas, provides mediation and judges cases presented to it by individual petitioners. It deals primarily with issues pertaining to family and matrimonial law, namely with divorces granted by civil courts in the UK, which are not necessarily considered valid under Islamic law. Essentially, divorce under Islamic law can take many forms: the most common cases being the repudiation (*talāq*) of the wife by the husband; the dissolution of marriage (*tafrīk*) pronounced by a judge; and the *khu'*, by which the wife redeems herself from a marriage for a consideration (Schacht 1964, p. 164). According to some Muslim scholars, e.g. the above-mentioned Shaykh Ibn 'Uthaymeen, a divorce granted by a non-Islamic court is not valid at all.²⁰ According to many others, it is not valid if the wife was the petitioner.²¹ In all these cases, the Islamic Shari'a Council enables the parties to obtain an Islamic divorce.

The Council is not legally recognized in the UK. Rather it represents an informal parallel court which supplements the state's legal system and its institutions in cases where these, according to the Council's members, fail to meet the necessary requirements laid down by the Law of God. As such, the Islamic Shari'a Council exemplifies the 'arbitration tribunals' as envisioned in the fatwa by Qaradāwī. This fatwa urges Muslims living in a non-Muslim society to appoint an arbitrator, who will judge among them according to *sharī'a*.²² This, in turn, promotes the establishment of a parallel legal framework, based on voluntarily adherence, informal authority of the judges and compulsory social mechanisms for the community.

The Council launched its English website, Islamic-Sharia.org, in 2007. The late launching of the site of the already established institution at first seems to meet the El-Nawawy and Khamis' (2009, p. 74) claim that traditional '*ulama* have failed to adapt to the new media ecology and 'change their message to cope with the new social and cultural developments'. Yet, soon after it went online, the website Islamic-Sharia.org gained substantial traffic and the Council's fatwas have since been sought by many young people of varied backgrounds. Therefore, the case of the Islamic Shari'a Council exemplifies what Anderson (2008) describes as migration online of established religious networks and institutions, which – at first being slow to adapt and thus preceded by 'new Islam's interpreters' – eventually proved adept at deploying the underlying technologies

to their own ends and soon had their sermons, lessons and outreach on the Internet for the populations they drew and aggregated.

When compared with the above-mentioned global Islamic websites, such as Fatwa-Online and IslamOnline, it should be noted how the website of the Council is firmly linked to its local UK Muslim community and the services the Council provides for that community. As is the case in the above-mentioned sites, Islamic-Sharia.org contains a large, searchable database of fatwas. Yet it also offers an online form for requesting an offline appointment, where the petitioner can specify his or her problem, so an appropriate member of the Council can prepare for the meeting. Recently, the site introduced downloadable forms for petitioners seeking Islamic divorce, i.e. *talāq* for men and *khul'* for women.²³ Therefore, the primary difference between other Islamic websites providing legal and religious consultations and Islamic-Sharia.org lies in the online–offline connections, where the muftis of the Council directly communicate with the petitioners, seek to be informed about particular details of each respective case and offer a possibility for face-to-face meetings. In this context, Thompson (1995) noted that new methods of religious interaction and communication on the Internet have depersonalized the content and structure of the traditional religious message: 'To the extent that the transmission of tradition becomes dependent on mediated forms of communication, it also becomes detached from the individuals with whom one interacts in day-to-day life'. The activities of the Council transcend to a large extent this depersonalization and seek to create a bond of trust between the petitioners and the muftis, which in turn reaffirms the Council's authority as a religious and quasi-legal body. The Islamic Shari'a Council, although not legally recognized in the UK, and the website it maintains constitute a successful example of establishing an arbitration and reconciliation council for a local community, while simultaneously offering its online content to the global English-speaking audience.

Muslim Arbitration Tribunal

The Muslim Arbitration Tribunal (MAT) was established in 2007 in Birmingham in order to 'provide a viable alternative for the Muslim community seeking to resolve disputes in accordance with Islamic Sacred Law and without having to resort to costly and time-consuming litigation'.²⁴ As the web page states, the establishment of MAT is an 'important and significant step towards providing the Muslim community with a real opportunity to self determine disputes in accordance with Islamic Sacred Law'.²⁵

Unlike the Islamic Shari'a Council mentioned above, the MAT operates within the legal framework of England and Wales, thereby ensuring that any determination reached by it can be enforced through existing means of enforcement open to normal litigants. Yet, as the website states: '[T]his does not prevent

or impede MAT from ensuring that all determinations reached by it are in accordance with one of the recognised Schools of Islamic Sacred Law'.²⁶

MAT operates under the Arbitration Act of 1996.²⁷ Therefore, its procedural rules require that each tribunal must consist of at least two members, one a scholar of *shari'a* and the other a solicitor or barrister registered to practice in England or Wales. Although the official website of MAT, Matribunal.com, does not contain any fatwas for Muslim minorities living in Europe, the following statement summarizes the MAT opinion regarding the coexistence of *shari'a* and non-Islamic legal systems:

We believe in the co-existence of both English law and personal religious laws. We believe that the law of the land in which we live is binding upon each citizen, and we are not attempting to impose Shariah upon anyone. Shariah does however have its place in this society where it is our personal and religious law.²⁸

As Ali *et al.* (2009, p. 16) have argued, female Muslims in the UK oftentimes express dissatisfaction with the manner in which the *khul'* divorce is treated and the lack of impartiality in typical Shari'a Councils which are presided over by men. This, among other factors, probably led MAT to stress on its web page that it has 'young qualified people, male and female, sitting as members of the Arbitration Tribunal' and that 'there will be no race or sex discrimination in this organisation'.²⁹ This statement can in fact resonate with many young Muslim women who feel that although 'English courts do not have the competency to discuss issues of Islamic law' (Ali *et al.* 2009, p. 17), they – particularly in issues regarding divorce and matrimony-related problems – provide Muslim women with more protection than traditional Islamic *shari'a* councils (Ali *et al.* 2009). In opposition to global Islamic websites, which are often supervised by scholars from Arab Muslim countries such as Egypt or Saudi Arabia, MAT emphasizes that its scholars or lawyers are not from abroad but from within the UK.³⁰

When examining the online–offline interaction, we should note that the website Matribunal.com features an online application that can be used for submitting a request for dispute resolution. By electronically submitting this form, the petitioner becomes subject to the jurisdiction of the MAT, which can arbitrate on all matters relating to the particular case.³¹ Therefore, not only does the MAT transcend the limitations of most of the *shari'a* councils by successfully integrating its rulings into the enforceable framework of the English legal system, it also fully utilizes the possibilities of the Internet. It uses the latter to create both a 'bond of trust' between the petitioner and the mufti as well as an online, legally binding agreement between the two parties, in a way previously more common in the domains of e-commerce and e-government.

In this respect, Bunt (2010) argues that new media and ICT-based services have the potential to be a significant channel of influence and authority in Muslim

communities. According to him, the modes and communications dynamics of scholars, opinion providers and petitioners (or consumers) are shifting in response to technological developments. Still they maintain the essence of long-held traditions of religious authority and interpretation. Again, this is particularly true in the case of Muslim minorities in the UK, where online counselling, the issuing of fatwas and online and offline arbitration intersect with issues of multiple identities, citizenship, the relationship between the host and the migrant communities, legal pluralism and cultural continuities.

Concluding remarks

This article has explored four distinct websites providing normative content for Muslim minorities in the UK. It has focused on the connections between these Islamic websites and global and local Islamic institutions, the interactions between online and offline Muslim communities, and the ways in which the normative content online shapes offline religious manifestations and practices. By doing so, it aimed to locate the sources of authority associated with these websites and to explore how Muslim identities are built, negotiated and performed in new discursive spaces.

Despite the different religious and ideological backgrounds of the respective sites, they all manifest high levels of media hybridization and interdependency, including media that morph into each other, messages that migrate across boundaries and social networks that utilize multiple technologies. This can be particularly observed in the assemblage of textual and audiovisual normative content offered by Fatwa-Online; in the virtual 'live fatwa sessions' or the hajj simulation recreated in the immersive environment of Second Life sponsored by former IslamOnline; and in the 'legally binding' electronic submissions provided by the MAT. The underlying logic behind these technological innovations could be perceived as an attempt to transcend the depersonalization associated with electronic media and create a 'bond of trust' between the petitioners and the muftis, thus asserting the latter's authority.

As this article has demonstrated, traditional and established religious authorities are apparently aware that their message – in order to be heard – has to be recast in accordance with a new cultural and media ecology. Moreover, they proved very successful in deploying the new media technologies to their own ends. Yet, at the same time, the technology enabling the communications between individual petitioners and religious scholars favours a bottom-up approach, since the fatwas issued depend upon the petitions the website has aggregated. In this respect, El-Nawawy and Khamis (2009, p. 217) argue that the Internet constitutes a new manifestation of a Muslim *umma* where there is an independence from traditional religious authority and institutional hegemony and where the discourse is driven by the concerns of publicly oriented individuals

rather than by institutional powers. In other words, it is the petitioners, not the muftis, who set the agenda for the issues to be discussed on most of the websites that we analysed. By the same token, Ali *et al.* (2009, p. 50) suggest that fatwa represents a bottom-up approach 'to informing and influencing the formal legal system and is representative of the ordinary Muslim's concern regarding "Islamicness" of actions and issues around her/him'. Given the nonexistent enforcing framework for Islamic law in the UK and the subsequent need of voluntarily adherence to the issued fatwas, both the petitioners and the muftis issuing their fatwas online can be perceived, paraphrasing the words of Hirschkind (2006, p. 110), as 'coparticipants in a common moral project' with their interaction 'structured around an orientation toward correct Islamic practice'. Nevertheless, despite the agenda being set by the individual petitioners, it is the traditional established authority – oftentimes closely linked to existing religious institutions – that issues the fatwa or gives the advice. Therefore, the article argues that the Internet is in the long term capable of reinforcing culturally dominant social networks. Also while fuelling the individualization and the privatization of faith, it simultaneously asserts conformity and compliance with established religious structures. In terms of Campbell's (2007) notion of multi-layered religious authority, within the 'cyber Islamic environment', it is in the practice, not in the hierarchy, where authority is contested.

Second, the impact of the above-mentioned websites has to be critically evaluated. In the case of fatwa-issuing websites, we can determine relatively easily how many people ask for the fatwas and how many people read them.³² Yet we can hardly make critical evaluations of how many people really observe these fatwas and follow their guidance. In the case of the *shari'a* councils, the situation is more straightforward since many of them keep and provide statistics about their agenda. For example, according to its statistics, as of August 2010, the Islamic Shari'a Council had dealt with more than seven-thousand cases.³³ In this respect, Walker (2007) has argued that the success of global Islamic websites (operated from Arab Muslim countries) among European Muslim minorities indicates that 'the search for religious authority shows that Muslims in the West aspire to a transnational community united in belief and practice'. Yet without further research, there is not enough empirical evidence to show that users of these sites share the same sentiment of belonging to a transnational community: just because they are seeking answers to their concerns about living as a religious minority.

Finally, all the concepts of Muslim identity provided by the various online platforms explored in this article essentially constitute different responses to the fundamental questions of modernity: namely how to live in accordance with Islamic law in a Western, globalized society. Given high levels of media attention, the fundamentalist or *salafi* concepts of Islam and Islamic law, as expressed, for example, by the website Fatwa-Online, receive more coverage in global news media. Today, we are in dire need of a critical understanding of

the other dimensions of modern Islamic revival movements, which according to Khan (2006, p. 13) advocate a 'moderate discourse that seeks to find a place for Islam as well as democracy (and to) explore the contentious domain where freedom and faith, democracy and theology negotiate a mutually compatible future'. Such discourse, as demonstrated in the establishment of the MAT or in fatwas disseminated by the former IslamOnline, reinterprets traditional Islamic law in light of contemporary conditions and provides for a modern, global Muslim identity.

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Notes

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- 4 A woman embracing Islaam whilst her husband does not, *fatwa-online*, [Online] Available at: http://www.fatwa-online.com/fataawa/muslimminorities/0000324_2.htm (28 February 2011).
- 5 Study and work in mixed-sex-environments, *fatwa-online*, [Online] Available at: http://www.fatwa-online.com/fataawa/muslimminorities/0000324_3.htm (28 February 2011).
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- 23 In the case of *talāq*, the husband has to provide his and his wife details, reasons for asking divorce, details about children and financial obligations, and pay the required fee. Upon receiving the application, the Council will issue a *talāq* form to the husband, which he has to sign in front of two witnesses and return back to the Council. The Council will then inform the wife by sending her a letter giving her 30 days to submit her claims. If she has no objections (or no response

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