Religious Authorities of Muslims in the West: Their Views on Political Participation

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Introduction

In a previous publication we analyzed the emerging Islamic normative discourses, both in the Muslim and the Western world, concerning the position of Muslims under non-Muslim governments (Shadid & Van Koningsveld: 1996, 84-114). The rapidly developing religious, social and political dimensions of these discussions by Muslim religious scholars, usually crystallized in the form of *fatwas*, do, however, not receive the full attention of researchers they deserve. Social scientists engaged in quantitative or qualitative empirical research as a rule are ignorant of these discussions and thus unable to check their influence on the daily life of Muslims in Europe. In his social-anthropological approach of the "Construction of European Islam" Dassetto, for instance, appears to have had hardly any access to these materials (Dassetto: 1996). The same holds true for the recent study by Allievi of the political participation by Muslims in contemporary Europe (Allievi: 2001). This absence may also account for many misunderstandings and contradictions in available publications. To mention just a few examples.

In 1998, the Dutch Secret Service stated that "Life in a non-Islamic country, amidst a majority of 'non-believers', entails special problems for a Muslim. He is confronted with the question how to meet his religious commitments, how to react on matters which he should reject on the basis of his religious conviction, and how to pass his standards and values on to his children. He still has little to hold on to, as so far there have been only few univocal statements or books by Islamic mullahs available that provide answers to the specific questions with which Muslims in the diaspora are faced. Even his own leaders, especially the imams, often do not have any usable answers, because they are staying only temporarily in this country and they are not familiar with Dutch society. In practice radical or ultra-orthodox Muslim leaders often have appeared to take vantage of existing fears and anxieties, in order to recruit followers" (Binnenlandse Veiligheidsdienst: 1998, 5).

The fear of a horrifying vacuum in Islamic religious thought, leaving space for extremist ideologies to mobilize Muslims in Europe is also present in French government circles. It clearly transpired in a recent official statement of the French Minister of the Interior announcing the opening in the near future of an Institute of Advanced Islamic Studies. According to this statement the mission of this Institute would be "to create a place of reflexion, apt to cast

light on everything Islam can contribute in a creative and constructive manner to the great contemporary debates in France (…) The Institute should enlighten the Muslims in France about the modalities according to which they can live in this country, without coming into conflict with its laws or its culture, and without betraying their religion". Any specialist in the field of religious studies can predict the failure of this Institute from the sentences quoted. The development of genuine religious thought, whether in Islam or any other religion, cannot be based on a programme of political orientation of the type just quoted and in which, to say the very least, the ongoing inner-Islamic discussions, are completely ignored. It is is of course not the French Republic that can with any degree of credibility formulate and/or reformulate the faith and values of Islam. On the contrary, it is Islam itself, represented by its learned spokesmen, who, in freedom of thought and expression, may come to terms with the French Republic and with secular states and societies in general (Bourg: 1999, 42).

Another example is the study by Waardenburg on *Normative Islam in Europe* where the author correctly stated: "Questions put to religious authorities by Muslims in Europe about means of living correctly according to their religion -questions which sometimes elicit authoritative responses (fatwas)- have also been published. Discussions on this matter vary according to the nature of the Muslim communities concerned and the contexts in which they live but many problems seem to be common to all conscientious Muslim in Europe". In another pasaage of the same study he stressed, however: "Since there are hardly any authentic Muslim scholars of fiqh living permanently in Europe, little expert discussion about the possibility of applying certain elements of the sharî'a system in Europe can take place. Except for such cities as London and Paris, there is a critical lack of intellectual Muslim leadership in Europe. This means that, on the whole, the best minds are in charge of too many things and that we do not find much original and creative thinking about Islam as a religion in the European context" (Waardenburg: 2000, 51,56).

The absence of a realistic approach of the phenomenon we are discussing may also be due to the fact that in recent survey studies by experts on muftis and their fatwas no special attention is paid yet to the source-materials concerning Islam in the Diaspora (Masoud, Messick and Powers [eds]:1996). In addition, one may have to take into account also that the very form of the fatwa in its strict sense may no longer have the same meaning for all Muslim groups and movements involved. Studying Masud's recent volume on the Tablighis, for instance, one is left with the impression that among the adherents of this transnational movement for faith renewal the role of fatwas as an expression of religious authority has been largely replaced by other kinds of normative literature (Masud [ed.]: 2000).

In the present contribution we shall first present a typology of the religious authorities participating in the construction of a modern Islamic discourse with reference to Muslims living as minorities in the Western world. In the second section we present a selection of recent contributions by Muslim scholars to

the ongoing discussions concerning the political participation by Muslims in non-Muslim, secular states. Finally, we study the discussions on the issue of the representation of Muslims in European states.

Religious Authorities for Muslims in the West

An intrinsic element of the daily work of the imam connected to a mosque in the West is to answer questions posed to them by the faithful. In doing so, the imams function as *religious counselors.* In many cases, the imam will be able to answer the questions directly, on the basis of the normative knowledge he himself has been able to accumulate. In some cases, he may have to consult the books whom he considers as authoritative within the tradition in which he stands. Several imams in the Netherlands explained to us that their answers may rightfully be considered as *fatwas*, but with the specification that they are based on the principle of *taqlid*: in conveying the answers to the faithful the imams themselves are bound to the authority of others to whom the quality of a higher authority, *ijtihâd,* may be ascribed, whether they are leading scholars who have lived in the past and have left their works, or scholars or scholarly bodies living in the present time who may send their answers to the imams in written form. In most cases, the orally transmitted questions and answers hardly leave any public trace. In some cases, however, the imams want to keep a written account of at least a selection of the questions posed to them together with the answers they have given. Convinced that these materials may find a wider audience, they may decide to publish some of them, for instance in the form of a pamphlet or a book. A recent example is the collection of fatwas published by a Moroccan imam from Rotterdam, Khalîl al-Moumni (Al-Moumni: 1998).

However, there are many questions to which the imams do not find an answer themselves. In this case, they may want to direct themselves to a higher authority from whom they expect to receive the right answer to be transmitted to the questioner. In addition, we have to take into account that in the present time of media like TV and Internet, many faithful find their way to these higher authorities directly, without the intermediary of an imam. Who are these higher authorities? In presenting a typology it is useful to distinguish between religious authorities living in the Western world on the one hand and those living in the Muslim world, on the other hand. A third type of authorities transcends this distinction, for instance by bringing together religious authorities from Europe and the Muslim world into one collective body. However, in the present era of globalization a geographical classification of the religious authorities presenting themselves to Muslims in Europe is insufficient. The stream of fatwas to be consulted on the Internet should be taken into account, as well (Bunt: 2000).

Religious Authorities in the Muslim World
As for the *religious authorities in the Muslim World*, a distinction should be made between institutions, usually state-dependent centers of Islamic learning on the one hand, and individual scholars on the other hand. In the first category we are dealing, for instance, with Dâr al-Iftâ' in Riyadh (Saudi Arabia), Diyanet in Ankara (Turkey), the Research Academy of Al-Azhar in Cairo (Egypt), the Fiqh Academy of the Muslim World League in Mecca (Saudi-Arabia), as well as the Islamic Fiqh Academy belonging to the Islamic Conference Organization in Jeddah (Saudi-Arabia). However, this list is far from complete, as we are dealing also with numerous institutions in many other countries of the Muslim world. From all these centers a stream of fatwas is flowing towards Muslims in Europe. Many of these materials can be found dispersed in the journals and series published by these institutions.

The best example of an individual scholar is that of Yûsuf al-Qaradâwî , whose weekly TV-programme from Qatar is very popular among Arabic speaking Muslims in Europe and who by his oral fatwas given to questions posed to him by telephone from all over the world, as well as by his written works, including his website, is exercising a considerable influence on the development of Islam in the Diaspora. Al-Qaradâwî is one of the scholars frequently invited to Europe to give his views, like he did during a fiqh seminar in Chateau-Chinon (France) in 1992, discussing with other Muslim scholars the problem of the statute of Europe in terms of Islamic jurisprudence (Ramadan:1999, 142). Similarly, Shaykh Faysal Mawlawli, counselor of the Sunnite Supreme Court in Bayrut, has been regularly lecturing in France. Some of his fatwas, especially his study of the principles of the Shari'a concerning the relations between Muslims and non-Muslims, are widely read among the younger generation, both in France and Germany (Mawlawi: 1987; Mourad: 1999).

Religious Authorities in the Western World
The religious scholars living in the West may be divided into three different subgroups. *In the first place* there are the scholars sent by governments of Muslim countries or international intergovernmental Muslim organizations. The muftis connected to the Turkish embassies in European countries with a Turkish community, for example, are sent out by their government to provide guidance to the local Turkish imams and their communities. Then, there is a number of Central Mosques with annexed Cultural or Islamic Institutes in several European capitals and big cities sponsored by specific Muslim countries or by international Muslim bodies, such as the Muslim World League, that may be under the control of diplomatic representatives of these Muslim countries and led by religious scholars sent here by their governments. An example is the government-appointed late Moroccan scholar 'Abd al-'Azîz ibn al-Siddîq, who was connected to the Islamic Institute of the Central Mosque in Brussels, and who was much consulted by Moroccan imams both in the Netherlands and Belgium. Among others, he published an important fatwa

defending the permissibility for Muslims of residence in Europe, qualifying the European countries as part of *Dâr al-Islâm,* in the time when Islamist scholars in Algeria summoned their compatriots in France to leave that country immediately, it being *Dâr al-Harb,* perform the duty of *hijra* and return to *Dâr al-*Islâm (Ibn al-Siddîq: ca. 1990). Another example is the late Egyptian scholar Dr. Sayed Mutawalli ad-Darsh a graduate of Al-Azhar University, Cairo, who was imam at the Regents Park Mosque and Cultural Centre, London, for many years. He was the chairman of the "United Kingdom Shari'ah Council" and a trustee of the international Muslim aid agency, "Muslim Aid". Recently, a selection of his fortnightly *Questions & Answers about Islam* column in *Q-News International,* a Muslim weekly newspaper in English, was published. His book deals with numerous specifically European-Muslim issues (Darsh: 1997).

In the second place there are numerous other religious authorities in the West, who are working independently from the governments of Muslim states. This category can be ililustrated with a few examples from the United Kingdom, France and Germany. Among the Indian and Pakistani Muslims in the United Kingdom, for instance, several Deobandi or Berelwi *'ulamâ'* are working as muftis on a more or less private basis, sometimes being connected to institutes for Islamic jurisprudence which have been created by or for them (Lewis: 1994, 115-122). They are active in producing fatwas, both orally and written. Incidentally, fatwa-materials are also published by them, for instance Mufti Yusuf Sacha's *Muslim Food Guide* which appears at intervals in revised and updated editions providing answers and advises to a whole range of questions about food available on the English market. In his book *Essential Fiqh,* Omar Bakri Mohammed, "Principal of the School of Shari'ah in London" and "active member of the Hizb ut-Tahrir", who is of Syrian origin, presents "the Islamic verdicts" on some of the most common issues faced by the present generation of Muslims, "especially those living in the West". A somewhat different type of "non-official" or non-government sponsored authority is Shaykh Abd al-Qadir al-Murabit (formerly lan Dallas), head of the international movement of the Murabitun, mainly consisting of European converts, with headquarters in England, who produced a series of outspokenly extremist fatwas. For some time, this movement possessed a publishing centre entitled *Dâr al-Iftâ'* based in Granada, where several fatwas were published, as well.

In France, we observe a struggle in the creation of religious authority between an Islamist tendency on the one hand, and a laicist-republican tendency on the other hand. The Islamist tendency is represented by the *European Institute of Human Sciences* at Château-Chinon, created in 1992 by the Union of Muslim Organizations of France (UOIF) in cooperation with the Union of Muslim Organizations in Europe, based in Germany. Part of its curriculum to train imams and religious teachers is the *mâddat al-fatâwâ* or the basic elements of Islamic religious advises. This subject is devoted to the the study of the principles, ways of production as well as the forms of the fatwa.

Before studying various important fatwas of scholars from the Arab world related to contemporary issues, students must learn the characteristics of the fatwa and the qualities required for its production (Frégosi: 1998, 123). This institute is the main opponent of the Muslim Institute of the Mosque of Paris, which has close historical and political connections with the French State. Article 22 of the "Charter of the Muslim Cult in France" presented in 1995 by the Rector of the said institute forms part of the third title concerning "the organisation of the representative institutions". It stipulates that "at the level of each region [of France] a *Conference of Imams,* presided by a regional mufti or in his absence by the most competent and most experienced senior, will be the regional organ of coordination and proposals" (Boubakeur, 1995:51). One of these muftis is Soheib Bencheikh, who presents himself on the cover of his book on Islam in laicist France as the "Mufti of Marseille". Bencheikh studied both at the Islamic Institute of Algiers and Al-Azhar. Subsequently, he obtained the degree of Ph.D. in religious sciences at the Ecole Pratique des Hautes Etudes in Paris. In his book *Marianne et l'Islam* Bencheikh is committed to prove the complete compatibility of Islam and French laicism; he criticizes the "anachronism" of Islamic theology and the "anarchy"" of the imamate in France (Bencheikh: 1997).

There is, of course, no general recognition of the hierarchy stipulated in the charter among the Muslims of France at large. The same holds true for the religious functionary with the title *Sheikhülislam* introduced in 1993 by the "Islamrat" in Germany. The attempt to create a religious authority who should speak on behalf of all Muslims in Germany and formulate, as a real 'Mufti of Germany', fatwas concerning problems related to Islamic life in that country, failed to gain recognition from the Muslims at large, as well (Spuler-Stegemann: 1998, 226-7). This attempt to revive in Germany the old Ottoman function of *Shaykh al-Islâm* should, by the way, be understood also as a strategic move to counterbalance the claim of the late Cemaleddin Kaplan to the title of *Caliph,* rather than Sheikhulislam, after his movement (with adherents in Germany and the Netherlands) had splintered off from Milli Görös (Schiffauer: 2000). In fact, Greece is the only member-state of the European Union with an infrastructure of muftis who, "apart from their competence in strictly religious matters and their surveillance of the administration of the possessions of the waqfs, are exercising their jurisdiction on the Muslims in matters of marriage, divorce, alimony, guardianship, and Islamic testaments" (Akgönül: 1999, 175, 179).

Religious authorities presenting themselves within Europe may direct themselves to the Muslims of one European state mainly or exclusively, as in the case of Muhammad Rassoul whose main target-group are Muslims in Germany, for instance in his voluminous book *Der deutsche Mufti* (Rassoul: 1997). Similarly, the already-mentioned Mufti of the City of Marseilles, Bencheikh, apparently directs himself to Muslims in France, exclusively. In addition, there are religious authorities within Europe directing themselves to a certain groups of Muslims, for instance Turks, Moroccans, etcetera, regardless

of the fact whether or not they are living in one or more European states. The fatwas of the Moroccan imam living in Rotterdam, Khalil El Moumni for instance, are not only circulating among Moroccan Muslims in the Netherlands, but also in various other European countries like Belgium and France. The perspective of the inhabitants of one state as the main target-group is also evident in the case of the existing Islamic Councils, such as the Muslim Council of Great Britain and the American Fiqh Council. Both councils consist of scholars of the major Muslim schools of law represented in Great Britain and the United States respectively.

The European Council for Fatwas and Research
Apart from the European Institute of Human Sciences in France, the already-mentioned Union of Muslim Organization in Europe also created a European Council for Fatwas and Research *(AI-Majlis al-Urubbi li-I-Iftâ' wa-1-Buhûth),* in 1997. This Council comprises religious scholars both from Europe and the Muslim world. Its goal is to coordinate and unify the the religious advises regarding problems related to this part of the world and to prevent thereby disunity and internal strife. This is done by common research and 'collective *ijtihâd'* which, in our time, according to the introduction of the first volume of fatwas by this council, has become a duty and a necessity. The aim of the council is also to become a "reliable religious authority" towards the local governments in each country which, in its view, would strengthen the case of the Muslim communities. The Council does not want to compete with or to replace the reputed fatwa academies of the Muslim world. It considers itself to be complementary to the work of those learned bodies, as it specializes in the field of *Fiqh al-aqalliyyât* ("Fiqh of the Minorities"), viz. the religious jurisprudence of those living outside the Muslim world, as minorities. For the time being, the see of the council is in the United Kingdom. As the Council is relying on the Quran, the Sunna, the Consensus and the Analogy, it is obvious that we are dealing with a Sunni Council as is confirmed by its exclusively Sunni membership. As the four Sunni law schools are regarded upon by the Council as a "great juridical treasure from which parts may be chosen based on sound evidence and of evident interest", while acknowledging "the duty of heeding the purposes of the Shari'a", it is clear also that the Council places itself within the Reformist tradition. The Council is presided by the already-mentioned scholar Dr. Yûsuf al-Qaradâwî, its vice-president being the already-mentioned Shaykh Faysal Mawlawl. Of the remaining 28 scholars 6 are living in the United Kingdom, 4 in France, 3 in Germany, 2 in Saudi-Arabia and Sudan, 1 in Ireland, Albania, Spain, Mauretania, Norway, the Emirates, Denmark, Belgium, Bosnia, Bulgaria, and Switzerland. The first three meetings of the Council took place in Serajevo (1997), Dublin (1998) and Cologne (1999). The Council announced that it will create separate fatwa-commissions to be working in different European countries. It has published the first collection of its fatwas in 1999 (Al-Majlis: 1999). Before

being published in book form, its fatwas regularly appear in the journal *Al-Urûbiyya.*

Discussions: Political Participation in Non-Muslim, Secular States

Scholars living in the Muslim world may be expected to view the issues of Muslims living in the West from a perspective differing from that of their colleagues living within one of the Western countries concerned. We shall therefore discuss the views emerging from each group separately. In conclusion, we shall discuss the view of the European Council for Fatwas and Research.

Scholars from the Muslim World
Among the numerous contributions by Sunnite scholars in the Muslim world, two important fatwas deserve to be discussed here. The first of these was written by the late Shaykh of Al-Azhar, Jadd al-Haqq Ali Jadd al-Haqq when answering some questions sent to him by Muslims in Copenhagen (Denmark) related to the issue of political participation. He was asked whether it is permissible for a Muslim, individually or together with other Muslims, to join a Danish secular or Christian political party, even though not believing in their ideology, in order to be nominated in the elections of the local councils and, in the case of success, to be able to provide as many services to Muslims and serve as many Muslim interests as he/they can? The same question was posed in relation to the elections of the national representative assemblies. The Shaykh al-Azhar was also asked whether it is permissible for Muslims to cast their votes in the elections of the municipal or parliamentary councils for one of the Danish parties without entering into an alliance with it, and which Muslims see as less harmful to them than other parties that would impose restrictions upon them, in the event of their success? Finally, he was asked whether it is allowed to enter upon an alliance with one or more of these parties if the latter pledge, in the case of success, to realize certain interests for Muslims in return for which Muslims pledge to vote for it/them?

With reference to Sura 60: 6-9 of the Quran, Shaykh Jadd al-Haqq first of all pointed out that cooperation with non-Muslims in one homeland regarding worldly affairs is permissible, as long as non-Muslims do not oppose Muslims in matters of their religion and their homes. He further stressed that the Quran had permitted the Muslims to maintain a variety of social relations with Jews and Christians, including, under certain conditions, intermarriage. In line with these Quranic injunctions, the Prophet had concluded a treaty and alliance with the non-Muslim inhabitants of the City of Medina, including Jewish groups. This treaty shows that the peaceful coexistence of Muslims with non-Muslims requires the maintenance of the Muslims' rights. "Political parties emerged in the current age as a means of competition to assume power in most countries of the world. The associations, other cooperative institutions, and syndicates, all of them exist for serving social, political, or sectarian purposes. All of them

revolve around the self-interests or public interests of their members within the scope of the public system of the country. Accordingly, there is no objection for a Muslim to join, individually or together with other Muslims, any of the officially recognized parties, in spite of their secular or Christian character, as long as they do not touch upon the Islamic creed or the fundamental interests of the Muslims. This is the meaning of the verses quoted from Sura 60. Hence, a Muslim may also be nominated by these parties for the local or national elections. It is equally permissible for all Muslims in any country to cast their votes for a party without alliance with it, and to seek help from it in order to realize and protect Muslim interests and to defend the lawful rights given to them. Muslims, in Denmark or any other country of the world, should follow the legal ways in order to have a voice safeguarding their interests. "Muslims who will have become members in local or national representative councils, should not approve of something contradictory to the creed of islam or the interests of the Muslims. (…) Muslims in Denmark and elsewhere should agree among themselves on one or more parties which they are going to join or vote for. They should abide by Allah's injunction in Sura 3: 1-3, calling for unitiy of their ranks and files: 'And hold fast, all together, by the rope which Allah [stretches out for you], and be not divided among yourselves…'" (Jadd al-Haqq: 1995, 337-347). In summary, the Shaykh al-Azhar *permits* the various forms of political participation by Muslims discussed *on the condition* that this does not touch upon the creed of Islam or the fundamental interests of Muslims. In addition, Muslims *should agree among themselves* about one or more parties they want to join or vote for.

Shaykh Yusuf al-Qaradawi assumed a similar position with some different accents. In the TV-program "The Shari'a and [Daily] Life" broadcasted by Al-Jazîrah TV (Qatar) on 2 March 2, 1997, he was asked the following question: "What is the viewpoint of the Islamic Shari'a on the participation of Muslims living in Western countries in the institutions and political parties and on nomination through these institutions and in their parliaments with all that follows in adherence to conditions and programs which might sometimes contradict the rules of the Shari'a?"

In his answer, Al-Qaradâwî agreed with Muslim membership of political parties in the West underpinning his view as follows: "A Muslim in an immigration country or outside the Islamic societies is a living and active organ in the society he lives in. Because any organ, when separated from the body, will die, the Muslim who lives in a non-Muslim society must be a useful organ in it, take from it and give to it, benefit from it and give benefit to it. It is not customary for a Muslim to live as a parasite on the society. There is no human society which does not have good and evil aspects. It is the duty of the Muslim who lives in any society to avail himself of its virtues while discarding its negative aspects. He also must participate in the political, social and economic life within it. We emphasize that the Muslim is to participate in the political life in Western countries, on the basis of assemblies and political parties. If these parties are indispensable, the Muslim cannot separate himself

from them. But if there is an alternative, he must look for it. Parties are different in their programs, systems and philosophies. Some of them are closer than others to values, rules and laws of Islam. Muslims should select those closest [to Islam] and follow them. At any rate, there is no ideal party. Moreover, there might be a party which is free from vices but fanatic against Muslims and against foreigners in general, and wants to kick them out, while being very racist. In this case, Muslims should select the counter-party in accordance with what is called 'The Jurisprudence of Balancing' (*Fiqh al-Muwâzanât*). The Jurisprudence of Balancing means that the Muslim weighs things and has to select the less prohibited and lighter depravity, leave the lower benefits to obtain the higher ones, select the smaller damage to avoid the more dangerous damage, and select the personal damage to avoid the general damage. It is advisable for Muslims not to balance things within a personal framework. A person is small by himself but great through his brothers; weak by himself but strong through his group. God's support is with the group (*al-jamâ'a*). The movement of Muslims in the West must assume the form of a group. Thus the influential political powers will try to gain their acceptance, while they (the Muslims) can make the nominees fail or succeed in some districts, at least where they are great in numbers. Muslims must consult each other, cooperate with each other, and look which parties or nominees are better and closer to them, and then decide, after giving the matter thorough thought and study, what is good for the group. There is no objection against participation by Muslims in the West in parties and against their becoming members of parliaments. Muslims in the West must abandon racism, regionalism, sectarianism, and the divisiveness that some of them have brought with them from their countries. A Muslim must forget his nationality as soon as he reaches the West and cooperate with his brothers, because there he is only a Muslim and nothing else. Muslims should act as a group and look at matters in a comprehensive and understanding way, not in a partial, incomplete way" (Chouket: 2000). Thus, in Al-Qaradawi's view, political participation through membership of a (non-Muslim) political party is a necessity. If there could be an alternative, a Muslim should look for it. This might be a hint to a Muslim political party, the membership of which would be preferred. At any rate, in a much clearer way than Jadd al-Haqq, Al-Qaradawi stresses the need for Muslims to act as a *group*. They should take their political decisions together.

   Various Shi'ite scholars, consulted about the same issues, also agreed with active political partciaption by Muslims in the West ('Abd al-Razzâq: 2001, 13). Muhammad Husayn Fadl Allâh, considered by Shi'ite Muslims as one of the greatest scholars in Islamic jurisprudence of the present age, occupying a leading position in the Hizb Allah in Lebanon at the same time, was among them. He also agreed with political participation but explicitly stipulated the necessity of the coordination with an Islamic (political) movement. In developing their political activities, he maintained, Muslims should remain in close consultation with an 'Islamic group' (*jamâ'a islâmiyya*) which has an

Islamic political structure. This Islamic movement should outline a program and define the position to be occupied and the proposals to be made by the Muslim concerned within the Western political party of which he becomes a member. In other words: the Muslim concerned takes his place within the Western non-Islamic political party concerned on behalf of that Islamic movement. Fadl Allâh considers this to be a necessary condition because an individual Muslim, working in separation from such an Islamic political group may easily be influenced in a way which proves to be detrimental to the Muslims and Islam in the end, "especially if the political party or association concerned follows some political lines that can be changed into negative, anti-Islamic lines when it is subject to a specific international central union that may clash with the Muslims in some places and regarding some matters" (Fadl Allâh: 1999, 106-107).

Scholars from the Western World
The discussions on this issue among Muslim scholars living in Western countries are also of a comparatively recent date. During the course of these discussions the arguments forwarded tend to become more detailed, both in terms of the Islamic sources and the specific circumstances of the countries concerned. The main lines of this development can be illustrated by presenting the views of four scholars, from Germany, the United Kingdom and the United States respectively. Most of these scholars stress the obligatory character of political participation by Muslims from the Islamic perspective. None of them maintains the necessity of consultation and/or coordination with an Islamic (political) 'group'.

Muhammad Rassoul, an Azhari scholar of Egyptian background who settled in Cologne, elaborated the theme of a 'German Caliphate' in one of his numerous books (Rassoul: 1994). According to him, one cannot exclude the possibility that the Caliphate will once be proclaimed in Germany (p. 17): "Among all countries of Western Europe Germany has become the 'classic' country in which the conversion to Islam of the German population proceeds rather quickly, so that one is obliged to think about an inevitable change of its political and social structure" (pp. 17-8). For our present purpose it is not so relevant that the author admits not to know whether his book will ever witness the birth of such a 'German Caliphate' in the heart of Europe: "That is a hidden matter known only to the Almighty Creator"(p. 18). Relevant is here, that the author envisages this possible development as the eventual result of the participation of German Muslims in the democratic political process (p. 109).

More detailed is the discussion by the already-mentioned scholar from the United Kingdom, Sayed Mutawalli ad-Darsh, also an Azhari scholar of Egyptian background, when answering the question whether it is permissible for Muslims to participate in local and general elections in the UK, either as candidates or as voters: "If we are going to live in this country, and want our voice and point of view to be heard, then we must play a positive role in the

life of the community here. Excluding ourselves will show that we do not believe in our existence here; if that is so, then we must migrate back to our countries of origin. Assuming that we all agree on the first option, we must take part and show that we are always interested to hear and support those parliamentary candidates and parties who support 'Islamic issues'. If a decent committed Muslim man, aware of the wider issues, is able to put the interests of the Muslim community across in an objective way using any of the established political parties as a vehicle, then I would say all right, go ahead and present the Muslims' case. And I know that there are many people who are strong in their religion and culture who are doing just that. We must work within the system with a full commitment to the prosperity of the country in which we are living. If we cannot do that, then we must leave" (Darsh: 1997, 158).

In his fatwa presented in the Netherlands in 2000, Muhammad Zaki Badawi, chairman of the Shari'ah Council of Great-Britain who is equally an Azhari scholar of Egyptian background who settled in the United Kingdom, a richer argumentation of a religious nature was developed. According to him, the essential characteristic of Islamic citizenship as practiced in Muslim society is "its concern for human beings as a manifestation of the worship of God. This is the fundamental difference between this vision and that of the secular form of citizenship". Is there a place for Muslim citizenship in non-Muslim states like Holland or Great-Britain? According to Badawi, over the long centuries of conflict "some scholars advised Muslims not to live outside the land of Islam except in cases of necessity". But this view, often repeated by its adherents, "has never been taken seriously. (…) If one of the most important duties of the Muslim is to proclaim his/her faith to the world, how can they be locked into the cage of their homeland and not be allowed to step outside of it? The fear of these isolationist scholars that a non-Muslim environment will endanger he faith is greatly exaggerated. The history of Islam itself points out to the rejection of this attitude. (…) A Muslim may not voluntarily reside in an enemy country particularly if he/she is forced to act against his/her faith. (…) A Muslim therefore may become part of a non-Muslim society as a citizen in a democratic system that accords him/her all the rights and charges him/her with all the duties as other citizens. (…) Accepting citizenship of a non-Muslim country is an obligation for those who make their home there. This is because without acquiring the status of citizens they would preclude themselves from the process of decision-making. (…) Islam has enjoined Muslims to take care for their neighbors, which in the modern world means the entire inhabitants of our planet. Those who interpret Islamic citizenship as confining Muslim loyalty to only one section of humanity miss the essential universality and humanity of Islam" (Badawi: 2001).

The most professional piece of Islamic jurisprudence in these matters was, undoubtedly, the fatwa formulated by Taha Jaber al-Alwani, the chairman of the North American Fiqh Council. The question he answered was posed to him by Aly Ramadan Abuzaakouk, Executive-Director of the American Muslim

Council. The American Muslim Council was launching a voting registration campaign for the forthcoming election in the USA. Some American Muslims expresses severe doubts as to whether it would be religiously permissible for them to participate in the political system of the country. Their arguments were fourfold: (1) Participation might ally some Muslims with others they have little in common with in matters of belief. This might also be a cause for dividing Muslims in the USA and harm the interests of the Muslim community, contradictory to the Quranic injunction that Muslims should support each other. (2) Some argued that participation might be viewed as *rukûn* (acquiescence) to the unjust, contrary to the Quranic injunction that one should not "acquiesce to the unjust". (3) Participation of Muslims in a secular political system might desensitize them into accepting the current status-quo and interacting with it, to the detriment of all people of faith in society. (4) Some Muslims live in the hope of going back to Dar al-Islam once the situation improves there. Some of them argue that voting can be justified only for extreme necessity.

In his extensive answer, the author refers to an article by him to be published in a special issue on Islam of the *Journal of Law and Religion,* entitled "Introduction to Minorities Jurisprudence: Founding Views" in which he has dealt with the principles and rules that should govern the vision of the contemporary Muslim jurist (and the contemporary Muslim in general) on this topic. He qualifies the connection of his fatwa to that "Introduction" as that of a "derivative principle (a branch) to a fundamental principle (a root), or of an example to the general rule". After an overview of 13 legal and methodological principles expounded in the quoted "Introduction" as well as of the "American Particularities" that "need to be considered in order to issue the most appropriate ruling" (among others about the US as a country of immigrants and of freedom, and as an open civilization), he reaches two major conclusions, viz. (1) It is the duty of American Muslims to participate constructively in the political process, if only to protect their rights, and give support to views and causes they favor. This duty "falls into the category of safeguarding of necessities and ensuring the betterment of the Muslim community in this country". (2) Every legitimate means or tool that helps achieve these goals is similarly judged, including the nomination of or self-candidacy by any competent American Muslim for election to any post, adopting a non-Muslim candidate, providing financial support to a non-Muslim candidate, obtaining American citizenship and registering to vote and participating in elections.

The author refutes the above-quoted objections of the opponents as follows: (1) The type of alliance with non-Muslims warned against in the Quran is that which harms the interests of the Muslim community. However, in this case we are dealing with a pragmatic decision involving the proper implementation of the principles of "righteousness", "fairness and equity", success and constructive behavior. In this sense, the Prophet also befriended the Christian Ethiopian king and executed an alliance with the Jews of Madinah. (2) It is

wrong to understand the Quranic concept of *rukûn* as including all types of cooperation. The Quranic meaning of "acquiescence to the unjust" is "a far cry from an act of participation intent on promoting public interest and protect the Muslim minority from injustice". (3) Secular in the American sense does not mean "faith-less" or "non-believing", but rather ""faith-neutral". The opposition against participation in a secular political system "transfers a conceptual confusion that occurs in countries that have Muslim majorities to countries where Muslims are a minority. (…) While Muslims in Muslim countries, are obliged to uphold the Islamic law of their state, Muslim minorities in the US are not required either by Islamic law or rationality to uphold Islamic symbols of faith in a secular state, except to the extent permissible within that state. What is required of Muslim minorities in a secular society is the support of the Islamic existence of their community and the service of public interest through serious participation in public life". (4) In conclusion, the argument of a temporary stay in the US and an eventual return to Dar al-Islam "is based on historical perspectives and outdated juristic terms (…)". The author has shown in his "Introduction" that these terms stand on a weak foundation from a legal perspective and are not applicable to contemporary international realities" (Al-Alwani: 2001).

The European Council for Fatwas and Research
In comparison with the preceding fatwas of scholars from the Muslim and the Western world, the only opinion on this issue of the European Council for Fatwas and Research available so far, seems to move into the direction of the above-quoted viewpoints of scholars like Al-Qaradawi and Fadl Allah, without, however, adopting these views completely. Contrary to the above-quoted views of Darsh, Badawi and Al-Alwani, the Council did not qualify political participation by Muslims in the West as a religious obligation. Moreover, it left the political judgment required, not to the individual Muslim but to the Islamic foundations and associations who thus play a political role comparable to that of the *jamâ'a* as referred to in some of the answers given by scholars from the Muslim world.
One may conclude that, in doing so, the Council actually translated the Islamic principle of the 'group' (*jamâ'a*) as the source of legitimate political decisions by Muslims to the plurality of Islamic organizations and institutions prevailing in the Western world.

The Council was asked: "Is it permitted to a Muslim to participate in local elections in Europe or to promote a non-Muslim party which does not realize the interest of the Muslims?" It briefly answered: "This is a matter to be assessed by the Islamic foundations and associations. If they are of the opinion that the interest of the Muslims can only be realized by such a participation then there is no objection against it, on the condition that this does not imply a greater concession from the part of the Muslims than the advantage they enjoy [thereby]" (Al-Majlis al-Urubbî: Fatwa Nr. 42).

Representation of Muslims in European States

Apart from the political partcipation in parties, elections, councils and parliaments, there is the issue of religious representation which has political dimensions as well and which, in some cases, may partly overlap with the more general issue of political participation. Within the different constitutional types of arrangements of state-religion relations prevailing in the member-states of the European Union, Muslims are facing the question whether they can and should organize themselves in accordance with the relevant legal rules in order to appoint an officially recognized representative body that can negotiate various matters –different in each state- with the government authorities. This is not the place to enter upon a discussion of the various arrangements of the state-religion relations of each European country which have been the subject of various studies in the recent past (e.g. Shadid & Van Koningsveld: 1995; Shadid & Van Koningsveld [Eds]: 2001). Relevant within the present context are the discussions among Muslim scholars about this issue, including their interpretation of the European legal rules concerning the arrangements prevailing in the state they are living in. In the perception of some contemporary Muslim scholars, the relevant legal arrangements are strongly connected to the way Christian groups usually organized themselves, viz. in the form of a *Church* (with a clear definition of a specific creed and a specific religious authority to protect and interpret this creed). Should Muslims organize themselves in similar ways in order to obtain official recognition by their state as representatives of Islam qualified for state-religion negotiations within the scope of the prevailing laws? Or is such a demand perhaps contradictory to the tradition of Islam, as Muslims, when organizing themselves should present themselves as a genuine political party, eventually demanding communitarian rights? This subject is much more complex than that of political participation in general discussed in the previous section. Contributions by Muslim scholars are still relatively scarce. They mainly refer to the situation in Germany, France and the United Kingdom.

In Germany, the Constitution stipulates that religious communities should organize themselves as a corporate body of public law (*Körperschaft des öffentlichen Rechtes*), fulfilling a series of additional conditions, in order to the obtain state recognition necessary to get access to various facilities, among others in the fields of financial aid and religious education. The already-quoted scholar from Cologne, Rassoul strongly argued against the creation of the false impression among the German authorities that Islam in Germany is organized after the pattern of a church, in order to gain recognition as a corporate body of public law. According to him, this false impression was, for instance, created when in the town of Soest, in 1993, the Turkish theologian Ali Yüksel (of Milli Görüs) was confirmed as 'Shaykh ul-Islam' in Germany. Such an initiative strengthened the image of Islam as a foreign, rather than a German religion and would certainly not be accepted by the greater majority of the Muslims of German and non-Turkish origin in Germany. However, at the

same time the author pointed out the advantages implied by such an official recognition of Islam in Germany. Even though the creation of a Muslim corporate body of public law would certainly not end the privileged position of the Church in Germany (based, among others, on a long history and on deeply rooted forms of organization from bottom to top), by it Islam would improve its financial position, obtain rights of participation in the media, etcetera. It would also gain a much higher public prestige, among others by obtaining political influence in the fields of education and culture (Rassoul: 1997, 480ff).

Another extensive contribution to this discussion in Germany came from Bassam Tibi, a scholar from Syrian background who occupies the chair of Political Sciences in the University of Göttingen. In a recent study, he devoted a separate chapter to the question: "The Christian Church as a model for an Islamic religious community in Germany?" (Tibi: 2000, chapter 8). Tibi is against the creation of an official representative of Islam in Germany in the form of a corporate body of public law after the example of the churches. However, his arguments differ completely from those of Rassoul. In his view, such a body would acquire too much political power. According to him, Islam needs first to be separated from political life in order to create the conditions for the integration of the Muslims migrated to Germany as well as for a peaceful coexistence of Muslims and Christians (268). The creation of a Muslim "Church" is in contradiction with the history of Islam which did not know an organized religious community of an ecclesiastical pattern. Such a body would, moreover, do no justice to the existing inner-Islamic pluralism. If it would do justice to this pluralism, the consequence would be a plurality of Islamic religious communities with the status of corporate bodies of public law (271). However, an Islamic corporate body of public law would in reality be a political party, rather than a primarily ethical faith community. Tibi fears that Muslims who would want to end their membership of such a community would endanger their life as "apostates" (*murtadd*). In fact, he criticizes the German system of state-religion relations fundamentally. He pleads in stead for a European, secular solution which he calls 'Euro-Islam', rather than a specifically German construction (a German *Sonderweg*). In his view, 'Euro-Islam' should closely follow the French laicistic model. Moreover: "The combination between institutionalized religious community(ies) and collective rights harbors the danger of the creation of ghettos". With regard to the Muslims in Europe, and especially Muslims in Germany, the alternatives are: ghetto-Islam or Euro-Islam (p. 289).

The most detailed discussion of the issue available so far, was written by the already-mentioned 'Mufti of Marseilles', Bencheikh. According to him, for the first time in history a considerable number of Muslims must now organize themselves as a 'Church' which is independent from the political power (Bencheikh: 1998, 9). Bencheikh makes a clear distinction between the political and the religious representation of Muslims in France. Politically, those who have the French nationality are, theoretically, represented by the

deputies of their regions. The real problem is their religious representation. The author is not in favor of democratic elections among Muslims for the creation of such a representative body. Before anything else, Muslims are in need of a balance between their religion and their environment. For this purpose, they need to be educated. The author therefore pleads for a state-supported National Institute of Islamic Studies which should be in charge of studying the necessary adaptations (Bencheikh: 1998, 219-220). This Institute should also represent the Muslims of France religiously.

Tracing the elementary principles in matters of the representation of the Muslim community, Bencheikh stresses that the concept of *jamâ'a* (group) occupies a central place in the Islamic sources. This concept underlines the 'whole' of the Muslim community in contradistinction to a 'fraction' of it. How to define this 'Group'? It is never identical to the largest number of people, as is maintained by some Sunnite Muslims in order to accuse those who are in a minority and to invite them to rejoin the majority. According to the author, there exists no text stating that in the case of a difference of views, Truth is the monopoly of the majority, implying, for instance, that a democratic vote could decide about the Truth. There are even many Quranic passages witnessing to the contrary, and the same holds true for numerous Prophetic Traditions. The Islamic concept of the 'Group' is far from identical to that of the 'Community of (all) the Faithful' (*umma*). According to Bencheikh, "the 'Group' is that brotherhood between Muslim notables, *of a city or a region*, whom the Quran calls 'the people who take the decisions'" (*ûlî al-amr*). These people form the leading class of a society, they are the whole of the intellectuals, officials, businessmen and other influential people, called by the Muslim jurists 'those who bind and dissolve' (*ahl al-'aqd wa-`l-hall)*. This is the genuine, traditional form of democracy prevailing in the Islamic tradition. In addition to the already-mentioned components of the 'Group', the author argues, the religious scholars of Islam form its other component. They are referred to in the Quran as the 'people of the admonition' (*ahl al-dhikr*) who must be consulted in the case of ignorance or doubt. In Islam, the religious scholar obtain his status by a social consensus established around him. "The faithful recognize the moral and intellectual qualities of a man and elevate him to a rank of responsibility". The exclusive work of the religious scholars is the interpretation of the texts, with realism and pragmatism, in order to propose valid solutions for the daily life of the Muslims. The religious scholars form an academic class and come together in high institutions of Islamic scholarship. *The whole of the Muslim notables and the religious scholars in a certain region form 'the Group'.* The members of this group have the obligation to unite around the idea of community. "This is the way in which we can envisage a learned and canonical representation of Islam in France" (Bencheikh: 1998, 219-230).

The specific problem of the Muslims in France is, according to the author, the absence of qualified religious scholars as the necessary second component of the 'Group'. "In fact, in addition to the extreme rarity of the religious

scholars comes that those who frequent the mosques do not have the possibility to distinguish between true scholars and imposters. (…) This is a dangerous situation implying that many chairs, in the mosques, are occupied by incompetent people. However, a mosque without a qualified preacher is like a hospital without medicins, where one administers death in stead of life". For all these reasons, the prescribed Islamic 'Group' which is a prerequisite for a religiously legitimate form of representation of the Muslims, can only be created through the foundation of a higher Institute of Islamic Studies, preparing the foundations of a minoritarian Islam in a pluralist and laicist society. This Institute, to be established in Paris with state-support, would have to fulfill the task of the learned representation of Islam in the French Republic (Bencheikh: 1998, 231-236).

A more radical interpretation of the concept of the 'Group' has been defended in the United Kingdom by the already-mentioned scholar Omar Bakri. Does Islam allow the existence of various groups and parties? If so, what are their roles? To these questions he answered that the formation of a group or party is a so-called *fard kifayah* (a collective duty). This is a duty imposed on all Muslims, in other words, "it is every Muslim's duty, but if it is carried out by a few people who possess certain qualities, that is enough to fulfill this obligation", because the Quran says: "There should be among you group(s) inviting to what is good (Islam), enjoining what is right (obligatory) and forbidding what is wrong (prohibited). They are those that are successful" (3:104). According to the author, the word *ummah* in this verse means *jamâ'a* (group, community) which is a synonym of *hizb* (party).

The group or party envisaged by Bakri must have the following qualifications: "(a) It must have an amir whose decisions must be obeyed as long as they do not contravene the Quran and the Sunnah, for the Messenger of Allah (saw) said: 'If there are three of you in a corner of the Earth, appoint one as an amir'. (b) It must be solely based on the Islamic creed. (c) The aim of the party or the group must be to establish the Islamic way of life, not to take up ministerial posts or parliamentary seats, nor to look after welfare, moral or spiritual aims. The aim must be to work towards resuming the Islamic way of life within society by establishing the Khilafah or the Imamah, which is the power responsible for the implementation of the Shari'ah, abiding by the Shari'ah principle which states: 'That which is necessary to accomplish a duty is itself a duty'. The application of the Shari'ah in all aspects of life is an obligation. This cannot be carried out in the absence of the Islamic State, so the formation of the Islamic State is an obligation. According to the author, the political nature of the group or party is evident from the Quranic verse quoted. "Politics in Islam means to govern and manage the affairs of the Ummah on the basis of Islam; unlike the meaning of politics according to the disbelievers' principles, which is the art of pragmatism, meaning to fit yourself to a situation based on reality i.e. being realistic, requiring lying, deluding and cheating, all of which contradicts with the meaning of politics in Islam". (…) And since the aim of the group or the party is to establish the Islamic Khilafah (…), it is only

natural that its main work is political, for it aims at removing the polytheist body or the rotten political system and re-establishing a just and worthy political system, the Khilafah". (Bakri : 1996, 89ff). In this view, the representation of the Muslims by the 'Group' is, of course, religious and political at the same time.

Ideas like Bakri's have been adopted by 'The Islamic Party of Great-Britain' (originally founded mainly by Muslim converts) which failed completely in the general elections of 1992 when it put up three candidates for Bradford constituencies (Lewis: 1994, 235). According to its website "its main efforts are, however, directed at the majority of non-Muslims living in the West, who are to be offered practical alternatives to the mounting problems of modern society and may be helped to understand that as an ideology and way of life Islam is superior to the failed ideologies of capitalism and communism. Such encounter is to be public, and this, *not the desire for minority representation*, is the party's motivation when participating in local and national elections. It is entirely financed by subscriptions and individual donations and is independent of any domestic or foreign government or organization". In the field of 'Law & Justice Policy', the party argues for an Islamic system which "embodies the basic fundamental morals, principles and laws to achieve a better, more organized and understanding society for all mankind". In the field of 'Foreign Affairs Policy' it states, among others, that "The guiding principles of an Islamic policy are justice between the nations, justice within the nations, and the security of the Muslims. It must however be understood that the concept of the nation-state is a purely secular concept, and it would be preferable to speak of justice between different communities and within each community. (…) In the light of these considerations, what could be the function, in the field of foreign relations, of an Islamic Party in a country in which Muslims are only a small minority? Its function is to give a voice to that minority and to its worldwide concerns, while at the same time, proclaiming principles and values of universal validity. (…) *It has, at the same time, a right –acting on behalf of the Muslim minority- to seek representation in the 'corridors of power'*" (www.islamicparty.com).

Conclusions

1.   Contrary to prevailing misconceptions, Muslims in the West regularly consult a variety of religious authorities about all kinds of problems related to the application of the norms and values of their faith within the Western context. The religious authorities consulted by them are located both in the Muslim and the Western world. Moreover, councils of Islamic jurisprudence, both at national and international levels, are developping new interpretations of Islamic values as well, on the basis of the modern principle of collective *ijtihâd.*

2.   Views of religious scholars concerning the political participation of Muslims in Western secular states vary. Scholars living in the Muslim world

tend to regard this as permissible or recommendable, while advising or obliging Muslims actively participating in non-Muslim political parties to consult the Muslims as a 'Group' and coordinate their viewpoints and strategies with it. Scholars living in the Western world itself, however, tend to regard such participation as obligatory, without stressing the necessity of previous coordination with such a Muslim 'Group'. The European Council occupies an intermediate position, referring the decision in these matters to the local Islamic foundations and associations.

3.   Concerning the complex issue of the officially recognized representation of Muslim at state-level within each member-state of the European Union, the discussion has remained restricted, so far, to scholars living within Europe. Their viewpoints vary from the rejection of the legally required form of organisation on various grounds (Germany) to the embracement of the French laicistic model on the basis of a detailed interpetation of the Islamic sources (France). Finally, in the United Kingdom clearcut communitarian ideas are defended in some circles.

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