THE INTERNET AND THE CONSTRUCTION OF ISLAMIC KNOWLEDGE IN EUROPE

by

VÍT ŠISLER

Muslim communities in Europe vary greatly in regards to their ethnic origin and geographical location as well as their religious and cultural backgrounds. From Muslims in the Balkans, settled in the area for centuries, to the first-generation immigrants of Asian or African Muslims in the Western Europe, these communities live in a legal and political framework where the Islamic law is not recognized as a legitimate source of law and thus is not applied by the state authorities. According to some scholars, the specific conditions in European Muslim communities contribute to a series of social and political changes, briefly referred to as the 'privatization' and 'individualization' of Islam. Given the distinctive character of the Islamic decision making process, a new paradigm has emerged in the construction of Islamic knowledge and interpretative authority. Within this new paradigm established 'traditional' authorities operate in coexistence with Internet based muftis, on-line fatwa databases and individual Islamic blogs. The Internet arguably holds the potential to reshape inequities in the distribution of information tied to other forms of mass media. This paper examines how, and if ever, the Internet Islamic sites after several years of operation change the process of decision making and construction of Islamic knowledge within European Muslim minorities.

INTRODUCTION [1]

Islam is often referred to as a religion of orthopraxy. It gives to believers guidelines for almost all aspects of life, from the beginning to the end of human existence. In this respect shari´a – Islamic law – is central to Islam.[1] It

[1] In this paper I refer to Sunni Islam unless explicitly mentioned.

comprises norms of religious, legal and ethical behavior and thus constitutes a complex legal framework foreign to the most contemporary European legal systems. The term shari´a originates from old Arabic, used in the region around Mecca, and signifies the path to water a source. In its contemporary usage it implies the secure path to a life-ensuring goal.[2] The two main sources of shari´a are the Holy Quran and Sunna, the collection of deeds, sayings and approvals of the prophet Muhammad. Although shari´a represents in theory a divine, eternal and thus unchangeable law, in reality the particular rules of law evolve and undergo changes in order to comply with new social and economic realities.

Like in other legal systems, the changes are often made by reinterpretation of the normative sacred texts by jurisprudence (fiqh).[3] Legal opinions are issued primarily in the form of a fatwa which is an answer to a real or hypothetical inquiry and reflects a legal conviction of an individual scholar based mainly on older rulings and his own interpretation of the religious texts. As such it is not legally binding but the individual petitioner is advised to follow it. The persuasive power of the respective fatwa is thus based mainly on the authority of the scholar (muftī) who issues it.[4]

In Western Europe, in the absence of institutionalized Islamic authorities, the muftis and their fatwas play a key role in the construction of Islamic knowledge. As Alexandre Caeiro has noted, "in Europe the fatwa is the only useful mechanism in dealing with normative issues."[5] It would be naïve to presume that all fatwas issued by various authorities play a determining role in social behavior. Nevertheless, they constitute an Islamic discourse which Muslims living in Diaspora use to legitimize behaviors that have already been developed in new social contexts.[6]

ISLAM AND ISLAMIC LAW IN CYBERSPACE [2]

In the European, and even global, context, several varying conceptions of Islam and Islamic law compete, ranging from "liberal" to "fundamentalist." The majority of these conceptions have effectively used the Internet as a tool

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2 Kouřilová, Mendel, 2003: 11
3 Lewis, 1994: 2
4 Šisler 2006: 1
5 Caeiro, 2003: 3
6 Caeiro, 2003: 2; Mandaville, 2003: 130

for self-representation, and for establishing themselves as an interpretative authority (see also Bunt 2000, 2003; Šisler 2006; Eickelman, Anderson 2003; Allievi, Nielsen 2003).

A variety of Islamic websites disseminate or issue fatwas, usually offering a question form or petition, in which the petitioner (mustaftī) can fill in his or her inquiry, and the muftī or body of muftis associated with the particular site can answer it, posting the final fatwa on-line. Some sites even offer a live fatwa session with well-known scholars.[7] Thus the process of dispensing the fatwa and the communication with the mustaftī takes place solely in the cyberspace. The inquiries range from everyday issues to topical questions of Muslims living in non-Muslim society. The following fatwa dealing with the status of videogames and their productions in Islamic law was taken from Cairo based Islamonline.net:

„Question: Dear scholars, As-Salaam `Alaykum. I have a question on Computer Games. Is it Halal or Haram to play computer games? Is it Halal or Haram to make and sell them? If it can fall into both, can you please clarify? Any help is very much appreciated. Jazakum Allah khayran.

Answer (excerpt): It is not Haram to play computer games as long as none of the material contains indecency, pornography or anything against Islamic teachings and playing them does not keep one from doing an obligation. The same conditions apply to making and selling such games. However, Muslim parents should be on alert regarding the content of these games and pay much attention to the choice of the beneficial games that do not go against the Islamic teachings before they bring them to their children."[8]

The next fatwa tackles a situation of a Muslim fighting for his non-Muslim country and has been retrieved from American based Islamicity.com:

„Question: If a Muslim serves in the army of his non-Muslim country, and a war breaks out between his country and a Muslim state, will he be considered a martyr if he fights and dies for his country?

Answer (excerpt): A Muslim only believes in Islam and owes all his allegiance to the community which implements Islam as a faith and a code of

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7 Like for example Islamonline.net.

8 http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503545740 (1.12.2006)

living. This does not mean that a Muslim who belongs to a minority in a country where the majority are non-Muslims may act in a way which is detrimental to his country. If his minority Muslim community enjoys the freedom to practice its faith and the protection of the law against persecution, then he has no reason to act against the authority in his country. […] A Muslim may not fight another Muslim except in one case. If two Muslim groups or communities fight against each other, we are required to try to establish peace between them. If one of them launches aggression against the other, we all must try to help the victim of aggression against the aggressors until the aggression stops when all Muslims are required to re-establish peace between them. If a war breaks out, like many of the wars we have seen in this century, both combatants may be in the wrong. In such a war, it is more appropriate for Muslim soldiers to refrain from fighting."[9]

Today there are thousands of Islamic websites operating in various European languages. Of these, only a few offer on-line iftā – or the dispensing of legal opinions. Some are maintained by semi-official bodies of muftis like Islamonline.net, closely connected with the European Council for Fatwa and Research; some of them are operated by individual muftī seeking a global audience, like Askiman.com, a website of a South-African muftī Ibrahim Desai; and some are maintained by official fatwa issuing committees of Islamic countries, like Fatwa-online.com, which is connected with the Permanent Committee for Islamic Research and Fatawa of Saudi Arabia. (For detailed list and description see Bunt 2003 and Ameri, Abdulati 2000).

These sites regularly answer the questions of Muslims from non-Muslim countries, mainly Europe and the United States. Thus it appears that a new paradigm has emerged in the construction of Islamic knowledge. With an ever-growing number of Muslims connecting to the Internet and submitting questions to even the most geographically remote muftī, it is well worth considering the role and impact, if any, of these Internet-based muftis and on-line fatwas.

THE ROLE OF THE INTERNET [3]

Several studies have been published concerning this new phenomenon, yet their results remain ambiguous and conflicting. Gary R. Bunt has provided ex-

9 Islamicity.com, question 4635 (1.12.2006)

tensive analysis of "cyber Islamic environments" in his two monographs (Bunt 2000; 2003). Jon Anderson and Dale Eickelman have discussed more broadly different forms of "New media" in the Muslim world (Anderson, Eickelman 2003). Stefano Allievi and Jørgen Nielsen have analyzed the very specific role of information and communication technologies (ICT) in the construction of Muslim identity and communities (Allievi, Nielsen 2003). Garbi Schmidt has explored how charismatic role traditionally granted by sufi sheikh is negotiated in the social space that the Internet creates (Schmidt 2004).

The construction of religious authority in Western Europe, with some regard paid to the Internet, was studied by Martin van Bruinessen and Alexandre Caeiro (Bruinessen 2003; Caeiro 2003, 2004). Nevertheless, these studies, originating mainly from western academic circles, lack a Middle-Eastern or Muslim perspective, like the examination of the potential of the Internet for da´wa (spreading the Islamic message) by Tarek Hassan Mostafa (Mostafa 2000).

For a long time the Internet was seen as an influential and subversive medium which inherently promotes democracy, direct participation and generally contests established and traditional authorities, especially in non-democratic environments. A major change in the organization of society was predicted to occur by some thinkers of the techno avant-garde scene (Leary 1994; Huitema 1995; Levy 2001). Especially after the fall of the communist authoritarian regimes in the Eastern Europe, the connection between this process and information and communication technologies has taken on a powerful, implicit veracity.[10] As Jessica Mathews has noted: "In the absence of thorough analysis unexamined assumptions about the Internet´s likely impact have become conventional wisdom."[11]

These very same expectations are clearly evident in works critically analyzing the role of ICT in the Islamic or Arabic world. "The Internet and globalization are acting like nutcrackers to open societies and empower Arab democrats with new tools" noted Thomas Friedman in 2003.[12] Directly addressing the issue of on-line fatwas, an American Muslim intellectual Muqtedar Khan even stated that "the Internet has made everyone a

[10] Kalathil, Boas 2003: 1

[11] Kalathil, Boas 2003: IX

[12] Friedman, T. (2000). Censors beware. New York Times, July 2005.

muftī".[13] Although Islamic websites have firmly entrenched themselves in the media ecology — Islamonline claims that is has more than a million hits a day[14] — there is no proof that the Internet itself is an antidote to authoritarianism and could radically reshape the foundations of the decision making process. The construction of Islamic knowledge in Europe is a complex matter with a lot of social, political and economic factors in play and can not be understood solely within a media-centric logic.[15] The following paragraphs describe three ways in which the Internet and mainly the fatwa-issuing sites have contributed to the development of European Muslim communities. These processes, or interventions, will be analyzed within the broader context Islamic discursive development in the global sphere, the networking of Muslim communities in Europe, and the construction of interpretative authority in relation to Islamic law. The findings are preliminary results of qualitative research and content analysis conducted between 2005 and 2006, as well as research of other scholars.

TRANS-NATIONALISM AND GLOBAL SPHERE [3.1]

The Internet constitutes a transnational public sphere in which all issued fatwas are searchable and can be – in fact they often are – discussed publicly in blogs and chatrooms. This can be perceived as a substantive difference to previous constituencies in which the fatwas of the scholars – although disseminated by mass media - were never publicly contested. Moreover, in the networked sphere of the Internet the various fatwa-issuing sites are borrowing, reprinting and commenting on foreign fatwas in an approving or disapproving manner. Alexandre Caeiro, for example, has described a case concerning the permissibility of using a loan in order to solve one's housing situation which was issued in 1999 by the European Council for Fatwa and Research (Caeiro 2004).

This particular fatwa has radically reshaped the prohibition of ribá´ (usury) – imposed by traditional interpretation of Islamic law – by the mean of hāja (need) in which the European Muslims potentially find themselves when trying to find housing. The fatwa was disseminated by Islamoline.net

[13] Wax, E. (1999). The Muftī in the chat room. The Washington Post, July 31.

[14] Bunt 2003: 147

[15] Allievi 2003: 12

and Ukim.org, and was quickly adopted or refused by other sites. Indeed it has triggered a global debate that has mostly taken place in cyberspace, and has clearly influenced subsequent fatwas, for example one issued later by Al-Azhar.[16] Similar debates and fatwa-borrowings can be found in many other cases. The public nature of the process opens a larger space for criticism and allows laymen to construct the Islamic public sphere.[17]

The Internet highlights the myriad concepts, movements and sects of Islam, but it also highlights the differences between them. In particular, the younger Muslims living in Europe pay close attention to these differences. They search for an original or "true" Islam, which they can distinguish from the Islam of their parents. They often see the latter as being influenced by local customs of their parents' country of origin. In the global context, this has contributed to the "essentialism" and "homogenization" of the religion.[18]

The last process connected to the trans-nationalism of the Internet is manifested by an increasing number of fatwas addressing the global problems of the imaginary Muslim community – e.g. Palestine, Iraq, Chechnya or Kashmir. The growing interest of the petitioners in such issues indicates the emerging notion of a global Islamic identity.[19] The fatwa issuing sites have reiterated and reinforced patterns already observed in mass media – mainly in the pan-Arabic satellite televisions – but they have shifted the discourse from a journalistic to a legalistic and religious trope. Thus a virtual Muslim community (umma) is being re-created on the Internet.

AUTHORITY [3.2]

The Internet has highlighted the marginalized groups and minority opinions in contemporary Islam, especially in the beginning, when established traditional authorities were not present. Some scholars have noted that there are a disproportionately high number of Internet sites which can be described as Salafi, i.e. having clear inclinations to the salafiya movement.[20] Moreover, until recently the Internet was providing an effective space for dissenting opinions that had limited or no access to other forms of mass media (like in the

[16] Caeiro 2004: 374
[17] See also Eickelman, Anderson 2003: II; Caeiro 2004: 370.
[18] Vertovec 2003: 318
[19] Nielsen 2003: 39; Mandaville 2003: 128
[20] Bunt 2006: 157

cases of Iranian scholar Hussein Ali Montazeri or Egyptian and Saudi Arabian opposition movements).[21] In most cases the messages of the marginalized or dissenting groups have been presented as purely Islamic, with no reference to orthodox or majority opinion.

Over time, the so-called traditional authorities have invaded cyberspace and struggled to regain the authority they have allegedly lost. For example, the Al-Azhar library is now online with a huge database of fatwas and other religious texts. Even in Iran clerics have been encouraged by the state to set up their own weblogs, and the religious militia is operating their own Islamic cybercafés with protected, i.e. filtered, content.[22] Rather than favoring minority discourses, the Internet has created a new media ecology in which various interpretive authorities, both minority and majority, compete for audiences.

Another aspect connected to the question of authority could be described as the "privatization" and "individualization" of Islam. Again this is particularly evident among the younger generation of Muslims, who search the Internet for different views and opinions, discuss them in both in online and off-line environments, and then select those most fitting to their own views. The same selective approach is often applied towards the sacred texts – the holy Quran and Sunna. The reasons for this phenomenon are variegated, most frequently cited are the impact of secular education in Western societies and the disintegration of traditional social enforcement frameworks. Be this as it may, the vehicle and catalyst of this phenomenon is undeniably the Internet.

The last impact of the Internet on the construction of interpretative authority is manifested by the fact that more and more Muslims from Islamic countries are seeking answers via the Internet from the European-based muftis. The case of Islamonline is again significant – in its database of fatwas we can find thousands of inquiries allegedly submitted from African or Middle Eastern countries. This constitutes a unique and in our modern history quite new situation – the European muftis are, at least in some cases, becoming interpretative authority for the Islamic world.[23]

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[21] Šisler 2006: 2

[22] Bunt 2006: 155

[23] Caeiro 2004: 371

DISCOURSE [3.3]

The third topic for analysis in this paper will be the particular discourse and rhetoric of issued fatwas. Above all, we can clearly recognize a shift to popular, sometimes even secular and scientific discourse in the reasoning (obiter dictum) of particular fatwas. Because the muftis are addressing a broad audience that has most often been raised in secular societies, they attempt to use a common language that refers to scientific and sociological arguments – sometimes even to European legal systems. This could be also perceived within the concept of da´wa – while the sites are often visited by non-Muslims searching information about Islam, the muftis are encouraged to present them the Islamic opinion not only as the law of God but also in a rational way.[24]

Another characteristic of these fatwas is that the majority are using English. Although, for example, the European Council for Fatwa and Research dispenses its opinions in Arabic, they are also published in English. This is necessary for addressing a global audience but it has also some legal connotations. When a mufti works with an interpretation of the sacred texts, which are of course in Arabic, and replaces the original terms with English equivalents, his translations could result in semantic overlapping and blurring.

The third characteristic particular to the rhetoric of online fatwas can be found in the anonymity of cyber Islamic environments, which manifests itself in vast number of inquiries concerning intimate and sexual issues:

„Question (excerpt): Dear scholars, As-Salamu `alaykum. I am a married woman. If my husband does not satisfy me in bed, is it permissible in Islam for me to masturbate and satisfy myself?

Answer (excerpt): In Islam marriage is a partnership based on mutual rights and obligations. It is, therefore, important that both spouses try their best to be considerate and sensitive towards the needs and feelings of one another and do their best to satisfy each other within the bounds of Islam. Sexual fulfilment is an important part of the mutual obligations of husband and wife. […] If he cannot satisfy you through sexual intercourse, he is perfectly justified in satisfying you through other avenues; he could very well masturbate you; if he were to do this, he is working within the perfect limits of Islam; his doing it on you is different from you doing it on yourself. A

[24] Mostafa 2000: 159

person masturbating on himself/herself is not allowed in Islam except in dire necessity where one fears falling into adultery; marriage is intended in Islam to be a shield against that. […] If in spite of your best efforts to convince your husband, he still remains insensitive to your needs in this respect, you are justified in taking whatever steps are necessary in terminating your marriage, if you are unable to tolerate it."[25]

The above-mentioned fatwa is an example of a question which would not be raised comfortably in a traditional constituency. It also creates a public space for women petitioners, allowing them to address even their most intimate topics within the framework of Islam and Islamic law. The active participation of women in the construction of Islamic knowledge is not common but the few exceptions have gained significant attention in the media (e.g. the Egyptian sexologist Heba Gamal Kotb).[26]

CONCLUSIONS [4]

We have briefly described the three main groups of processes and changes in the construction of Islamic knowledge in Europe in which the Internet plays a significant role or at least contributes to them. These processes are related to trans-nationalism, discourse and to authority. In all of them there are other important factors in play, mainly the role of other mass media (especially the satellite televisions), education and diverse social networks. The content analysis can not provide us with complete picture and has to be supported by various different approaches (e.g. the uses and gratification) and fieldwork. Such research is now being conducted at the Charles University in Prague as well as at other universities and institutions.

As Jon Anderson and Dale Eickelman have noted, a mere plurality of discourses doesn't inevitably lead to civic pluralism. Thus it is important to stress that the Internet "has the potential to promote greater openness in the Islamic decision-making process as well as to reinforce entrenched views."[27] The most visible impact of the Internet is manifested in changes cleaving across liberal and traditional concepts of Islam – in the emerging notion of global Islamic identity and the construction of transnational public sphere.

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[25] http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503546454 (1.12.2006)

[26] http://www.hebakotb.net/

[27] Eickelman, Anderson 2003: xi

Most of the papers and analysis – this one included – largely explore written Islamic sources. In reality, Islamic knowledge is to a large degree being construed with the help of a non-written media (e.g. recorded Friday sermons, music and video clips, computer games). These media are sometimes referred to as al-Islam al-sawti (voice Islam).[28] Although some works are available concerning this field (Cooke, Lawrence 2005; Šisler 2006b), systematic and long-term research has yet to be conducted.

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[28] Allievi 2003:15

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