

welfare state. See public interest

West, the

Although Muslims have resided in parts of Europe for centuries, and many slaves taken from Africa to North America were Muslims, the question of Islam in the West rose in importance after World War II. European countries encouraged workers from North and West Africa, South Asia, and Turkey to add their labor power to the postwar recovery, and most of those workers were Muslims. By the late 1960s, many of those workers had settled in Europe with their families. Immigration to the United States increased at about the same time, and Muslims, particularly from South Asia, were among those who settled there. Among the new arrivals were many Muslim scholars who offered opinions about how ordinary Muslims were to live religious lives in lands where they were minorities and where not all Islamic religious institutions were available. At the same time, many African American Muslims were turning from the specific teachings of the Nation of Islam toward a more broadly distributed Sunni Islam. Contemporary scholars of diverse origins increasingly provide opinions through broader networks that stretch across the Atlantic and include scholars from non-Western centers of learning.

Muslims have posed questions about (1) the legitimacy of participating in Western political institutions and (2) how best to adapt their individual, everyday behavior to their new, non-Islamic environments. One major response has been the call to develop “legal theory for Muslim minorities” (*fiqh al-aqallīyyāt*) or a distinct jurisprudence for Muslims living as minorities in non-Muslim societies. In Europe the idea has been most closely associated with Yusuf al-Qaradawī, a scholar born in 1926 in Egypt who was educated and taught at Azhar University before moving to Qatar, where he created a faculty of shari‘a and became well-known through his books, his website, and his broadcasts on Aljazeera television. He played a major role on the popular website Islam Online and in the European Council for Fatwa and Research, an association of scholars mainly living in (although not originating from) European countries. Qaradawī also wrote of the “*fiqh* of balances” (*fiqh al-muwāzanāt*) to point to the need to balance minor

evils against greater or longer-term benefits to Muslims. He drew on this imperative to argue (in 1999, through the European Council) that Muslims unable to find interest-free loans could borrow at interest for a first home. He drew on the arguments advanced by Ghazali (d. 1111) and Abu Ishaq al-Shatibi (d. 1388) that Muslims should above all advance the objectives (*maqāṣid*) of revelation. Qaradawī employed Shatibi’s three-level hierarchy of necessities, needs, and improvements: “when interests (*maṣāliḥ*) conflict, a low-level interest is sacrificed for the sake of a higher-level interest.” In the bank interest matter, it was the prohibition of *ribā* (interest) that was sacrificed for the sake of stable Muslim families and thus religious lives.

In North America, the idea of a “*fiqh* for minorities” has been promoted through the Islamic Society of North America (ISNA), and in particular by the Iraqi scholar Taha Jabir al-Alwani, although in later writings Alwani recommended that scholars should rebuild *fiqh* from values and rights in the Qur’an rather than through the idea of Muslim minorities, perpetuating the older distinction between the *dār al-islām* (abode of Islam) and the *dār al-ḥarb* (abode of war). Many contemporary Muslims express discomfort with this way of viewing the world; some refer to the protection given to religious minorities by international law and propose *dār al-‘ahd* (abode of covenant), *dār al-da‘wa* (abode of predication), or *dār al-shahāda* (abode of witness), emphasizing the possibilities open to Muslims in these lands.

Much of the debate among scholars living in the West concerns *how* to determine general principles or objectives, not *whether* such activity should take place. Whereas Qaradawī couched his fatwa (legal opinion) within the several schools of *fiqh* and ended by exempting some Muslims in the West from the rules of *fiqh*, other scholars argue that *fiqh* is and should be universal but that its universal dimensions are at the level of general principles. The Swiss scholar Tariq Ramadan, for example, together with many scholars active in England, France, and Belgium, argued that one could consider a civil marriage to already contain most or all of the elements of an Islamic marriage (consent, witnesses, a contract), and therefore it could constitute a marriage in Islamic terms. Tareq Oubrou, based in Bordeaux, emphasized the distinction between obligatory ritual (*‘ibādāt*) and social norms (*mu‘amalāt*) and contended that the former does not change but the latter may be realized either as law or as ethics, depending on the political context within which one lives. In Western countries, Muslims must “ethicize” these norms.

Though touted as providing support for progressive views, this approach can lead to more prohibitive view of the law (e.g., a traditional view that all abortions are forbidden because of the need to

protect life, one of the five necessities, as opposed to a juristic view that abortion is permissible until a certain point in gestation). But by seeking equivalents between Western and Islamic institutions, it can legitimate full political and social participation in Western countries.

This line of reasoning starts from general principle and seeks support in schools of *fiqh* only in a secondary fashion, and so it has been criticized by some *fiqh* scholars such as the Syrian Sa'id Ramadan al-Buti, for whom the call for a *fiqh* for minorities is part of the "plot aiming at dividing Islam." But he also distinguishes between what he sees as the false idea of special dispensations for those Muslims who live in Europe or North America and the idea that "whenever there is a hardship exceeding the moral limit, the legal permission which warrants canceling it persists." In other words, the easing of rules due to hardship has nothing to do with where a Muslim lives but rather depends on his or her specific circumstances. As this debate shows, Muslims in the West look for learned political and social opinions from a global array of scholars and institutions.

See also Europe; globalization; jurisprudence; North America; shari'a

Further Reading

Khaled Abou El Fadl, *Islam and the Challenge of Democracy*, 2004; Taha Jabir al-Alwani, *Towards a Fiqh for Minorities: Some Basic Reflections*, 2003; Andrew March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus*, 2009; Muhammad Khalid Masud, *Islamic Legal Philosophy: A Study of Abu Ishaq al-Shatibi's Life and Thought*, 1977; Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation*, 2009.

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West Africa

The development of Islamic political thought in the *bilād al-sūdān* ("the lands of the blacks") of sub-Saharan West Africa was linked with the development of Islam as a legitimating factor in state development in this region. There were three major theological positions regarding the relationship with non-Muslims (or "bad Muslims"): accommodation and peaceful coexistence, withdrawal from political power, and jihad. They correspond roughly with three distinct historical periods.

In the age of "empires," from the 11th to the 18th centuries, Muslims constituted a minority of the population. Even when rulers acknowledged Islam as a religion of the court, they had to balance Islam and local religions. Muslim scholars were mostly confined to courts and a few centers of long-distance trade. The major issue was "how Islamic" the state was, which in turn depended on how Muslim rulers negotiated the role of Islam at their courts. A tradition of peaceful coexistence of Muslims and non-Muslims was represented by the Jakhanke, a group of scholars originally from Ja (Dia)

or Jakha (Diakha) in Mali. The Jakhanke stressed the importance of Islamic learning—in particular, the memorization of the Qur'an and the teaching of *tafsīr* (long commentaries), based on the *tafsīr al-jalālayn* of Mahalli and Suyuti. An important feature of Jakhanke teachings was the rejection of proselytization and jihad. Muslims living among non-Muslims had an obligation to cultivate the pure teachings of Islam as individuals. A different and rather militant tradition of Islam was represented in the same period by North African Muslim scholar Muhammad b. 'Abd al-Karim al-Maghili (d. 1503), who visited the cities of Kano in 1492 and Katsina and Gao in 1498. In two texts, later titled *Taj al-Din fi ma Yaajib 'ala l-Muluk* (The crown of religion: On the duties of kings) and *As'ilat Asqiyya wa-Ajwibat al-Maghili* (The questions of the Askia and Maghili's responses), which were to become important texts for Muslim reformers in the centuries to come, Maghili expounded on the principles of Islamic government. He also came to advise the emperor of Songhay, Askia Muhammad Turé (r. 1493–1528), on the principles of Islamic rule. Turé had invited Maghili to his court in order to get support for his claim that the deposition of the preceding Sunni dynasty had been legitimate on the grounds that the last Sunni emperor, Sonni 'Ali, had tolerated un-Islamic practices. Maghili supported Turé's position by arguing that Sonni 'Ali had to be regarded as an unbeliever due to his unorthodox religious practices. Maghili also argued that a ruler who oppressed his people and raised un-Islamic taxes could be fought by means of a jihad.

In a second epoch, from the late 17th century to the onset of colonial rule, Muslim scholars started to criticize the allegedly un-Islamic policies of the rulers of the Sudanic kingdoms, especially the enslavement of Muslims. Since most of these rulers were Muslims, opposition to their rule was often based on theological argumentation leading to their *takfir* (excommunication). In a series of movements of jihad, religious scholars gained political power for the first time in the history of the *bilād al-sūdān*, and Islam became the only source of political legitimacy in the new "Islamic" states. While only a few texts on Islamic theology had been written by Sudanic scholars before the 18th century, the need to justify *takfir* and jihad led to an explosion in the production of such texts. Also, a mass movement of conversion to Islam transformed Muslim minorities into majorities in major parts of the *bilād al-sūdān* in the 19th century. A paradigmatic religious scholar-cum-leader of a jihad in this period was Usman dan Fodio (1754–1817), who was born in Maratta in the kingdom of Gobir, the paramount Hausa state of the region. Around 1794 he became the leader of a small but growing *jama'a* (religious community) in Degel/Gobir. Inspired by Maghili's writings, he identified a number of local religious practices as "un-Islamic innovations" (*bida'*, sing. *bid'a*) in a series of texts such as *Ihya' al-Sunna wa-Ikhdam al-Bid'a* (The revival of the sunna and the elimination of innovation), *Kitab al-Farq* (The book of difference), and his major work, *Bayan Wujub al-Hijra 'ala al-'Ibad wa-Bayan Wujub Nash al-Imam wa-Iqamat al-Jihad* (Clarifying the obligation for the believers to emigrate, to nominate the imam, and to lead the jihad; 1806). He came to the conclusion, however, that most local religious practices, though