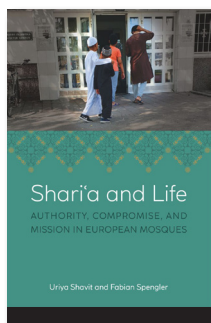


BOOK REVIEW

Shari'a and Life: Authority, Compromise, and Mission in European Mosques.

By Uriya Shavit and Fabian Spengler. University of Toronto Press, 2023.
xiv + 276 pp. ISBN 978-1-4875-5437-8. \$46.95 (paperback and e-book).



In *Shari'a and Life*, Uriya Shavit and Fabian Spengler investigate the impact of fatwas issued by Wasati (from Arabic, *wasatīya*) and Salafi jurists, associated respectively with the European Council for Fatwa and Research (ECFR) and the Saudi Council of Senior Scholars. The authors describe the Salafi approach as characterized by a literal and rigid interpretation of Islamic law, while the Wasati approach is defined by its flexibility and pragmatism.

Based on five years of fieldwork in European mosques, the authors offer a multi-layered analysis of how Muslims in Europe engage with Islamic legal norms, which they refer to as “shari’a norms.”¹ The study includes interviews with seventy-eight individuals from four mosques in Sweden, Germany, Iceland, and England, along with written surveys conducted in those mosques and four additional ones. Unlike studies focused on the textual analysis of fatwas within the discourse of *fiqh al-aqalliyāt al-Muslima* (the religious law of Muslim minorities), this study centers on how these fatwas were received and understood by Muslim minorities—a dimension that has received limited scholarly attention. The book makes a valuable contribution to both the sociology of Islamic law and the empirical study of *fiqh al-aqalliyāt* by shifting the focus from fatwa texts to their reception.

The book is structured into five main chapters, framed by an introduction and a conclusion. After outlining their methodology and

1 The authors use the term “shari’a norms” throughout the book to refer to juristic rulings primarily derived from the Qur’an and Sunna, commonly known as *fiqh* (Islamic substantive law). See, for example, pages 9, 10, 11, and 15.

primary aims in the introduction, the authors introduce the ideological and methodological differences between Wasati and Salafi jurists in Chapter One. These distinctions are illustrated through examples of legal issues particularly relevant to Muslims residing in non-Muslim-majority contexts, such as extending Christmas greetings to Christians and serving in non-Muslim military forces. This chapter draws substantially on themes and analyses previously explored in greater detail in Shavit's earlier monograph, *Shari'a and Muslim Minorities*.²

The second chapter examines the diversity of mosques included in the field research, highlighting their differing orientations within the Wasati-Salafi spectrum. The authors identify five main approaches among imams toward what they describe as the ECFR's ambition to serve as a unifying source of fatwas and to promote "a pragmatic, integrationist wasati approach" (107). These approaches range from full endorsement of the Council's authority to outright rejection.

Chapter Three shifts the focus from imams to mosque attendees, examining how they perceive and engage with the authority of the ECFR and its fatwas. It presents the results of four surveys conducted among attendees at the eight participating mosques. Descriptive statistics from the surveys are presented in four tables within the chapter. The chapter concludes that the ECFR's influence has been limited, with little awareness of its work and minimal impact on religious practice.

The fourth chapter sheds light on the strategies Muslims employ to deal with potential conflicts between "shari'a norms" and the challenges of life in Europe. It demonstrates that some interviewees engage in practices they believe to be religiously prohibited without seeking fatwas that might legitimize them, even though such practices have been authorized by Wasati jurists within the boundaries of Islamic law.

Chapter Five explores how the notion that Muslim presence in the West is legitimized through proselytizing (*da'wah*) has been received and interpreted by both imams and mosque attendees. As emphasized in Chapters One and Five, the authors argue that Wasati and Salafi jurists view proselytizing as a condition for the legitimacy of residence in non-Muslim-majority countries. The chapter reveals that the notion has limited resonance among imams and mosque attendees, most of whom either reject it or are unaware of it. This gap between scholarly discourse and lived practice invites

2 Uriya Shavit, *Shari'a and Muslim Minorities: The Wasati and Salafi Approaches to Fiqh al-Aqalliyat al-Muslima* (Oxford University Press, 2016).

further scrutiny of the claim that *da'wah* functions as a necessary condition for permissibility according to not only Salafi jurists but also Wasati ones.

Although the authors compellingly show that *da'wah* features prominently in the discourse of some Wasati scholars, the assertion that Wasati jurists view *da'wah* as a condition for the permissibility of residence in the West appears to overstate the evidence. The authors do not cite any explicit fatwas or rulings from the ECFR that designate *da'wah* as a legal requirement for residence. On the contrary, the ECFR's two fatwas on residing in non-Muslim countries affirm that Muslims may remain in such contexts as long as they enjoy personal safety and the freedom to practice their religion. *Da'wah* is not presented as a prerequisite for the legitimacy of residence. Similarly, the ECFR's 1999 fatwa on mortgages does not mention *da'wah* as a condition for residence.³

Moreover, the two Shafi'i jurists referenced in the book (40), al-Māwardī and al-Ramlī, do not treat proselytizing as a condition for the legitimacy of residence in non-Muslim societies, even though they promote *da'wah* and deem it obligatory for Muslims capable of engaging in *da'wah* to remain in such lands with the hope of advancing Islam.⁴ In other words, the absence of *da'wah* does not render residence impermissible. Indeed, the idea of *da'wah* as a prerequisite for legitimate residence does not align with the dominant views of pre-modern jurists from the Shafi'i, Hanbali, and Hanafi schools, who based permissibility primarily on personal security and religious freedom.⁵

Additionally, the book does not sufficiently substantiate its claim that the ECFR explicitly aimed from the outset to position itself as the exclusive

3 Majma' al-Fiqh al-Islāmī al-Awrūbī. *al-Qarārāt wa-al-Fatāwā al-ṣādīrah 'an al-Majlis al-Awrūbī lil-Ifṭā' wa-al-Buḥūth: mundhu ta'ṣīṣih 1997 ḥattā al-dawrah al-thāminah wa-al-ṣhrīn 2018*, ed. 'Abd Allāh ibn Yūsuf al-Juday' (Mu'assasat al-Rayyān, 2013), 23–25, 122–123, 221–222.

4 Regarding al-Māwardī, see Abū al-Ḥasan 'Alī ibn Muḥammad al-Māwardī, *al-Ḥāwī al-kabīr fī fiqh madhhab al-īmām al-Shāfi'ī*, ed. 'Alī Muḥammad Mu'awwaḍ and 'Ādil Aḥmad 'Abd al-Mawjūd, 19 vols. (Dār al-Kutub al-Ilmiyyah, 1999), 14:104–5. For al-Ramlī, see Aḥmad b. Ḥamzah b. 'Alī al-Ramlī, *Fatāwā al-Ramlī*, ed. Shams al-Dīn Muḥammad b. Aḥmad al-Ramlī, 4 vols. (al-Maktabah al-Islāmīyah, n.d.), 4:52–54.

5 Regarding the Shafi'i position, see Aḥmad ibn Muḥammad ibn 'Alī ibn Ḥajar al-Haytamī, *Tuḥfat al-Muḥtāj bi-Sharḥ al-Minhāj*, ed. Anwar ibn Abī Bakr al-Shaykhī al-Dāghistānī, 1st ed., 10 vols. (Dār al-Ḍiyā', 2020), 9:537–538. Regarding the Hanbali position, see Ibn Qudāma al-Maqdisī, *al-Mughnī*, ed. Ṭaha al-Zaynī et al., 1st ed., 10 vols. (Maktabat al-Qāhira, 1968), 9:294–95. Regarding the Hanafi position, see 'Alā' al-Dīn Abū Bakr ibn Mas'ūd al-Kāsānī, *Badā'ī' al-Ṣanā'ī' fī Tartīb al-Sharā'ī'*, 2nd ed., 7 vols. (Dār al-Kutub al-Ilmiyyah, 1986), 7:131.

or primary legal authority for Muslims in Europe. In his introduction to the ECFR's first collection of fatwas, al-Qaraḍāwī states the following:

It is important to note that this Council does not seek to become a competitor against the grand Islamic Fiqh councils in the Islamic World, such as the Research Council of Al-Azhar, the Fiqh Council of the Islamic World League or the Islamic Fiqh Council of the Organisation of Islamic Conference. In fact, it aims to become a complementary body of these esteemed organisations, specialising in critical issues related to the “Fiqh of Minorities” and Muslims who live outside the Islamic World. The Council also actively pursues and examines the rulings, resolutions and studies of these respectable organisations, from which it will gain great benefit, no doubt.⁶

As noted in this passage, the ECFR disclaims any intention to replace or compete with established Islamic scholarly bodies. Rather, the ECFR positions itself as a complementary institution focused on addressing the specific needs of Muslim minorities in Europe.

In addition to its primary focus on Muslim minorities, the book offers valuable insights for interreligious studies by drawing comparative references to Jewish traditions, institutions, and diaspora dynamics. These comparisons enrich the analysis and invite broader reflection on how minority religious communities negotiate identity, authority, and integration in secular societies.

This insightful and methodologically robust study is particularly suited for scholars and graduate students in Islamic studies and the sociology of Islamic law, as well as for general readers interested in contemporary issues concerning religious minorities and integration.

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6 European Council for *Fatwa and Research*, *Fatwas of European Council for Fatwa and Research*, trans. Anas Osama Altikriti and Shakir Nasif Al-Ubaydi (Islamic Inc. Publishing & Distribution, 2002), iv.