Imams in Western Europe

*Developments, Transformations,
and Institutional Challenges*

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2 Rethinking Islamic law for Europe

The concept of the Land of Islam

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Abstract

The *fiqh al-aqalliyāt* ('Islamic law for Muslim minorities') is based on the problematic concept of living outside the 'Land of Islam'. This chapter offers a brief survey of the criteria for a land to be judged a 'Land of Islam'. It is shown that the basic criteria are the freedom and security for Muslims to practice the basic *shaᶜā'ir al-islām* ('Islamic rules') and to serve *al-ᶜadl* ('the cause of justice'). Ironically, a general assessment of many Western and Eastern Muslim-minority countries according to these criteria gives them a relatively high score on the 'Land of Islam' scale.

Keywords: *fiqh al-aqalliyyāt*, Land of Islam, Land of war, Land of Justice, Land of security

1 'Fiqh for minorities': On what basis?

Technically, a 'minority' is a community that counts for less than 50 per cent of a larger community. 'Muslim minorities' are believed to comprise somewhere between 40 and 50 per cent of Muslims worldwide (Auda, 2005; Khalidi, 1989). However, a quick look at the body of literature developed for the *fiqh al-aqalliyāt* ('law for minorities') shows that the basic consideration for Muslims to be considered an *aqalliya* ('minority') is not population. Instead, it is whether Muslims live in what is called a non-Muslim 'country' (Hoffman, 2002), 'society' (Rath, Penninx, Groenendijk, and Meyer, 2001), 'context' (Murad, 1997), 'polity' (Masud, 1989), or under 'non-Muslim rule' (Waardenburg, 2000). Thus, the 'exceptional circumstance' here are not about the number of Muslims, but rather about how the country runs its

'polity', 'system', or 'rule' – which can be labelled 'non-Muslim', as far as the current discourse goes. For this reason, the political view of Muslims necessitated the creation of a special law which is called *fiqh al-aqalliyāt* ('Islamic law for minorities'), *fiqh al-ghurba* ('Islamic law for the homesick'), *al-madhhab alūrūbbiyy* ('European School of Law'), European sharia, or European Islam (e.g. Haddad, 1991; Hofmann, 2002; Ramadan, 2000; Rohe, 2001).

However, the questions that are typically raised under the 'fiqh of minorities' theme do not have a clear relationship with this basic premise. Examples of such questions are whether or not it is lawful to: deal with banks, insurance companies, or mortgage lenders; work in restaurants or supermarkets that sell wine or serve pork; apply for citizenship in the 'non-Muslim' country of residence, especially if the oath of citizenship involves adherence to its monarchy, constitution, or military service; participate in a 'secular political system' by joining a political party, supporting certain (non-Muslim) candidates, or running for elections; greet non-Muslims, congratulate them during their religious festivals, or attend their weddings or funerals; and accept a marriage or divorce ceremony or court ruling from a non-Muslim judge or based on 'non-Muslim law' (Al-Saify, 2004). In all of these queries, there is no clear link between the juridical point of view and the fact that the inquirer does or does not live outside the 'Land of Islam'. In fact, all of these questions are valid everywhere.

The basic premise of a 'Land of Islam' is not about the percentage of Muslims in a country. Re-visiting the wide variety of fiqh literature to find what makes a certain territory or land 'Islamic' to start with, one realizes that:

1   The criteria of a 50 per cent + 1 majority of Muslims in a nation-state – regardless of whether the state's constitution declares it to be a 'secular country', as in Turkey, or does not designate any specific religion, as in Nigeria and Indonesia, whether the head of state is non-Muslim, such as Lebanon, or whether Islamic rituals and acts of worship are not generally practiced, as in a number of former Soviet Union States – is not accurate. In fact, classical Islamic sources clearly state that whether Muslims are a majority or minority in a certain country is irrelevant when determining whether a land is a 'Land of Islam', and suggest other criteria instead.[1]

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1   For example, Al-Qummi Al-Naisaburi (d. 728 h), 1996, vol. 3, p. 459; and Al-Bayhaqi (d. 458 h), 1994, vol. 9, p. 16

2   There is no mention of the other popularly mentioned criteria (recently
      applied to some regions of tribal Pakistan and Afghanistan, and of course
      under the 'Islamic State' (IS), in an attempt to be in a 'Land of Islam'):
      the application of 'Islamic' criminal law (or *ḥudūd*). I found no explicit
      mention in any school of law that specifically related the 'Islamicity of
      a state' or the concept of the 'Land of Islam' to the *ḥudūd*.

2   What is the 'Land of Islam' or 'Islamic territory'?

The question, then, is: What are the classic criteria for being inside or outside
the 'Land of Islam', or the 'Islamic territory', which *fiqh al-aqalliyāt* is sup-
posedly addressing? The results of a survey I carried out on various Sunni,
Shia, and Ibadi Schools of Islamic Law, can be summarised in the following
five criteria:

1   A land where Islamic rules (*aḥkām al-islām*) apply.[2]
2   A land where a Muslim ruler has control (*istīlā'*) over its affairs.[3]
3   A 'Land of Security' (*al-amn*).[4]
4   A land where the practicing of public acts of worship (*shaᶜā'ir al-islām*)
      is allowed.[5]
5   A 'Land of Justice' (*dār al-ᶜadl*).[6]

The following is a brief analysis of each of these concepts and
their implications.

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2   For example, Ibn Al-Qayyim (d. 751 h), 1997, vol. 2, p. 728; Reda, 1971; Al-Qummi Al-Naisaburi,
vol. 3, p. 459; Al-Sarakhsi (d. 483 h), n.d., vol. 9, p. 182; and Al-Yunini (d. 726 h), n.d., vol. 2, p. 58.
3   For example, Al-Mawardi (d. 450 h), 1999, vol. 14, p. 267; Reda, 1971; Reda, n.d., p. 50; Al-
Mawardi, 1985, vol. 1, p. 22; Al-Mawsili (d. 683 h), 2005, vol. 4, p. 178; and Al-Qummi Al-Naisaburi,
1996, vol. 3, p. 459.
4   For example, Al-Bayhaqi, 1994, vol. 9, p. 16; Al-Kasani (d. 587 h), 1982, vol. 7, p. 131; Al-Sarakhsi,
n.d., vol. 9, p. 182.
5   For example. Ibn Taymiyah (d. 728 h), 1386 h, vol. 1, p. 197; Al-Razi (d. 606 h), 1400 h, vol. 4,
p. 43; Al-Mawardi, 1985, vol. 1, p. 275; Al-Nasa'i (d. 303 h), n.d., p. 10; Al-Kalabadhi Al-Bukhari (d.
384 h), 1999, vol. 1, p. 130; Al-Mawardi, 1999, vol. 2, p. 48; Ibn Al-Arabi (d 543 h), n.d., vol. 1, pp. 368,
530; Al-Kasani, 1982, vol. 7, p. 113; Al-Razi (d. 604 h), n.d., vol. 32, p. 108; Al-Mawsili, 2005, vol. 4,
p. 178; Al-Yunini, n.d., vol. 2, p. 58; Ibn Taymiyah, n.d., vol. 23, p. 146, and vol. 28, p. 408.
6   For example, Ibn Taymiyah, n.d., vol. 28, p. 146; Reda, n.d., pp. 50, 62; Al-Mawardi, 1985, vol. 1,
p. 22; Al-Sarakhsi, n.d., vol. 9, p. 182; Al-Kasani, 1982, vol. 7, p. 80; Ibn Qudamah (d. 620 h), 1405
h, vol. 9, p. 14; Al-Nawawi (d. 676 h), 1405 h, vol. 10, p. 49; Al-Zar`i (d. 751h), 1405 h, vol. 1, p. 101;
Ibn Abidin (d. 1252 h), 2000, vol. 4, p. 45; Al-Alusi (d 1270 h), n.d., vol. 18, p. 91; Nizam, 1991, vol. 2,
p. 179; Reda, n.d., p. 50.

2.1   The 'Land of Islamic rulings'

A popular definition of the 'Land of Islam' in classic sources is 'the land where the Islamic rulings apply'.[7] What are these 'Islamic rulings'? Without getting into a technical juridical analysis of analogy by legal 'causes' and 'purposes', a rule can be labelled 'Islamic' if it fulfils the following two conditions:

1   The legal philosophy and purpose is to achieve the purpose and higher objectives of the *maqāṣid al-sharīᶜa* ('Islamic Law'), such as justice, freedom of choice, orderliness, and the preservation of faith/religion, soul/life, lineage/family, mind/intellect, dignity/honour, and wealth/property (Auda, 2008).

2   It does not go against any fixed fundamental of Islam. Defining what is 'fixed' and what is 'variable' is a complex question, which I have attempted to answer elsewhere (Auda, 2006).

However, one could also say that a law is 'Islamic' if it is not 'non-Islamic'. I had an interesting conversation with a Muslim convert from London who insisted that every law in the United Kingdom is 'non-Islamic'. And when I asked why, he replied: 'Because the United Kingdom is outside the "Land of Islam".' And when I asked him to explain what he meant by that, he stated: 'Because the legislators are not Muslim.' I asked: 'The laws that criminalize theft, killing, monopoly, bribery, abuse, and so on, aren't they "Islamic laws"?' He answered: 'No, because the people who proposed them are not Muslim.' I replied: 'But that is irrelevant, isn't it?' He replied: 'No, because they did not have the right "intention" (*niyya*) when they proposed them.' I asked: 'What do you think their intention was?' He said: 'The achievement of justice, merely.' I exclaimed: 'Isn't justice an "Islamic" intention?' He replied: 'No, because they applied justice because it served the well-being of the people, not because it is ordained by God!' I said: 'But the well-being of the people is exactly the purpose of God's order to establish justice, isn't it?' We failed to agree on whether the purpose of Islamic law is justice, or if 'we apply the "Islamic law" anyway and justice will then emerge'.

In any case, given that the concept of law in the *qānūn* ('canon') sense was not known in the Muslim-majority countries until the late nineteenth century (Reda, 1898), it is safe to assume that the 'application of the sharia in the legal system', or 'sharia-compliant laws', were not part of the classic interpretation of the 'Land of Islam'. These concepts have a 'post-colonial'

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7   For example, ref. 1, 4, 5, 12, 32. Ibn Al-Qayyim, 1997, vol. 2, p. 728; Reda, 1971; Al-Qummi Al-Naisaburi, 1996, vol. 3, p. 459; Al-Sarakhsi, n.d., vol. 9, p. 182; and Al-Yunini, n.d., vol. 2, p. 58.

context, the analysis of which is beyond the scope of this chapter. Thus, the *aḥkām al-islām* ('Islamic rulings') were explained in several other senses, which the rest of this chapter will attempt to explain.

2.2   The 'Land of a Muslim ruler'

To have a Muslim ruler in *istīlā'* ('control') over the affairs of a certain land is a criterion that some classic and contemporary scholars used for judging whether it is indeed a 'Land of Islam'.[8] Al-Mawardi, for example, explicitly mentions that 'when Muslims reside in and control a certain land, it becomes a Land of Islam' (1999, vol. 14, p. 267). However, this criterion is subject to a number of conditions, most importantly the ability of Muslims to practice their religious obligations, a public feeling of security, and the application of justice. A Muslim ruler who fails to observe or work towards these obligations jeopardizes his or her jurisdiction's status as a 'Land of Islam'. Sheikh Rashid Reda (n.d., p. 50) summarized the related opinions as follows:

> The Land of Islam is a Land of Justice that has a true Muslim leader. This is contrary to a land that could be called a Land of Injustice, ruled by force dictated by nationalistic Muslims who do not observe the proper conditions of a legitimate Islamic leadership.

Thus, the existence of a level of security and freedom that is adequate for allowing Muslims to practice religion is, juridically, more essential than the religion of the ruler.

2.3   The 'Land of Security'

A number of imams – meaning the founders of the main legal theories or *madhhabs* – state that security is the original *maqṣūd* ('purpose') of the differentiation between 'Land of Islam' and 'Land of War', and not 'Islam' versus 'non-Islam', per se. For example, imam Abu Hanifa states: 'The purpose (*maqṣūd*) of calling a certain land a "Land of Islam" or a "Land of Disbelief" (*kufr*) is not Islam versus *kufr*. It is security versus insecurity' (Al-Kasani, 1982, vol. 7, p. 131).

In July 2008, I witnessed an interesting debate in Deoband, India, where a group of students from Darul Uloom University were asked: 'What do you

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8   For example, Al-Mawardi, 1999, vol. 14, p. 267; Reda, 1971; Al-Qummi Al-Naisaburi, 1996, vol. 3, p. 459; and Al-Bayhaqi, 1994, vol. 9, p. 16.

think India is? Dar al-Harb or Dar al-Islam (Land of War or Land of Islam)?' At first, there was almost a consensus on the fact that India cannot be Dar al-Islam, since 'Islam' has not ruled it since the days of the Mughals. I exclaimed: 'But it cannot be Dar al-Harb either because there is no actual "war" going on in India.' Many students, however, thought that the 'war on terror' in India is actually a war on Islam, and thus it converted India into a Dar al-Harb. Other students referred to the fact that Muslims in India do have the freedom to practice their religion and they are generally 'secure', which makes today's India a 'Land of Security', based on imam Abu Hanifa's statement above. I was delighted when I learned that in April 2009 Darul Uloom scholars had finally issued a fatwa stating that India is not Dar al-Harb but rather Dar al-Amn (Land of Security) – the purpose behind the classification anyway, as Abu Hanifa stated.

Mecca itself – according to imam al-Bayhaqi, for example – became a 'Land of Islam' after its 'conquest' only because of its newfound sense of security. He writes: 'Mecca became a "Land of Islam" and "Land of Security" after its conquest because no one there was forced against his/her religion. Any other land is likewise if it acquires the same kind of security' (1994, vol. 9, p. 16).

It is clear from the classic definitions that security itself is a means to obtain the freedom to practice Islamic 'public acts of worship'. Several scholars mentioned that Muslims who enjoy enough security and freedom to practice public acts of worship actually live in a 'Land of Islam', even if they are a minority. Al-Qummi Al-Naisaburi explains: 'Muslims, even a minority, have a higher moral ground than non-Muslims, even if they were a majority, if they are not prevented from practicing the public Islamic acts of worship' (1996, vol. 3, p. 459). The next section elaborates on the Islamic 'public acts of worship', which appear to form a more basic criterion for whether a country can be considered a 'Land of Islam'.

2.4   The 'Land of Freedom to Practice Islam'

The majority of scholars and schools of Islamic law find the 'freedom to practise Islam' to be the 'true sign' that a land is a 'Land of Islam'. Many of them refer to prophetic traditions that are interpreted to mean just that, such as prophetic sayings about the importance of certain identifying acts, such as group prayers in the mosque, the call for prayer (*adhān*), pilgrimage, the celebration of religious feasts, and so on. Al-Mawardi writes: 'The public acts of worship (*shaᶜā'ir*) of Islam such as group prayers in mosques and [the] call for prayers are the criteria by which the Prophet, peace be upon him, differentiated between the Land of Islam and the Land of Disbelief'

(1985, vol. 1, p. 275). Al-Razi writes: 'If the Islamic acts of worship are evident in streets and public places, this certainly entails that Islam is dominant' (1400 h, vol. 4, p. 43). And Ibn Taymiyah writes: 'The public acts of worship (*shaᶜā'ir*) of Islam are the true signs that a certain land is a Land of Islam' (1386 h, vol. 1, p. 197).

I found that the 'public acts of worship' include a variety of Islamic rituals from the following list, according to all schools of Islamic law:

1   The five prayers.[9]
2   Calling for the prayers.[10]
3   Friday prayers.[11]
4   Fasting in Ramadan.[12]
5   Giving zakat ('charity').[13]
6   Pilgrimage.[14]
7   Ablution.[15]
8   Feast prayers.[16]
9   Reading the Qur'an.[17]
10   Circumcision.[18]
11   Sacrificing animals to feed the poor.[19]
12   Building mosques, and especially minarets.[20]
13   Greeting people with 'peace be upon you'.[21]
14   Charitable endowments (*awqāf*).[22]

If we – objectively – assess various countries around the world based on Muslims' freedom to practice the above specific Islamic acts of worship, and create some sort of 'index' for them, we will quickly realise that many European countries score much higher than a number of Muslim-majority countries.

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9   Al-Mawardi, 1985, vol. 1, p. 275; Ibn Al-Arabi, n.d., vol. 1, pp. 368, 530; Al-Razi, n.d., vol. 32, p. 108; and Ibn Taymiyah, n.d., vol. 28, p. 408.
10   Ibid.
11   Ibid.
12   Ibn Al-Arabi, n.d., vol. 1, p. 530.
13   Al-Razi, n.d., vol. 32, p. 108.
14   Al-Kalabadhi Al-Bukhari, *Bahr al-Fawa'id*, vol. 1, p. 130.
15   Ibid.
16   Al-Mawardi, 1999, vol. 2, p. 48.
17   Ibn Al-Arabi, n.d., vol. 1, p. 368; and Ibn Taymiyah, 1386 h, vol. 28, p. 408.
18   Al-Kalabadhi Al-Bukhari, 1999, vol. 1, p. 130.
19   Al-Kalabadhi Al-Bukhari, 1999, vol. 23, p. 146.
20   Al-Kalabadhi Al-Bukhari, 1999, vol. 28, p. 408; Al-Yunini, n.d., vol. 2, p. 58.
21   Al-Kasani, 1982, vol. 7, p. 113.
22   Al-Yunini, n.d., vol. 2, p. 58.

3   Conclusion: The 'Land of Justice'

This criterion, i.e., the achievement of justice, is so central to the Islamic concept of the 'Land of Islam' to the extent that the term 'Land of Justice' appears to be used interchangeably with 'Land of Islam' in numerous sources.[23] Justice is the basis of all of the above criteria, according to Islamic jurists, and hence more fundamental to Islamic principles and purposes. Thus, an 'Islamic leadership' that is not based on justice but on ^{c}*aṣabiyya* ('ethnic solidarity') does not constitute a valid condition for a 'Land of Islam'. Rashid Reda (1922), for example, writes:

> The land of justice, which is the Land of Islam, is a land that has a true leader who establishes justice. This is contrary to the 'land of injustice and aggression', in which governorship is based on some Muslims' 'ethnic solidarity' (^{c}*aṣabiyya*), regardless of the establishment of the Islamic rulings.[24]

Al-Mawardi also stresses the importance of the 'competence' and 'good character' of the leader of the 'Land of Justice'. He writes: 'People who are qualified to make decisions in the Land of Justice should choose a leader who possesses a good character and [who is] competent' (1985, vol. 1, p. 22). Ibn Taymiyah holds the 'achievement of justice' in a state as the most fundamental and deserving of God's support, even for a 'nation of disbelievers'. He writes:

> In this life, people's situations uphold when justice prevails in their society even if they fall into various kinds of sins. However, people's situations do not uphold when injustice and lack of rights prevail in their society. That is why the saying goes: God upholds a state established on justice, even if it were a nation of disbelievers, and would not uphold a state established on injustice, even if it were a nation of Muslims. The other saying goes: This world lives with justice and disbelief, and does not live with injustice and Islam. The Prophet, peace be upon him, had said: 'No sin has a faster divine punishment than the sin of injustice …' Thus, people of injustice fail in this life, even if they were to be forgiven in the hereafter. This is because justice is the universal law of things. (n.d., vol. 28, p. 146)

23   For example, Ibn Taymiyah, n.d., vol. 28, p. 146; Reda, n.d., pp. 50, 62; Al-Mawardi, 1985, vol. 1, p. 22; Al-Sarakhsi, n.d., vol. 9, p. 182; Al-Kasani, 1982, vol. 7, p. 80; Ibn Qudamah, 1405 h, vol. 9, p. 14; Al-Nawawi, 1405 h, vol. 10, p. 49; Al-Zar`i, 1405 h, vol. 1, p. 101; Ibn Abidin, 2000, vol. 4, p. 45; Al-Alusi, n.d., vol. 18, p. 91; Nizam, 1991, vol. 2, p. 179.
24   Reda, n.d., pp. 50, 62.

The 'Land of Islam' and 'Land of War' is, then, a false dichotomy; a more realistic and 'logical' classification looks at not only the grey levels between the black and white extremes, but also at the various colours. In other words, the achievement of the above criteria, especially the three that are most fundamental (namely, security, freedom of practicing religion, and justice) is relative, whether in Muslim-majority or Muslim-minority societies.

Therefore, and regardless of popular opinion, a country that is juridically worthy of being a 'Land of Islam', a 'Land of Security', or a 'Land of Justice' will achieve a relatively high score on the criteria detailed above. This judgment obviously requires a comprehensive and realistic survey of various countries to create a 'ranking' of some sort. However, a rough but very reasonable assessment of many Western and Eastern Muslim-minority countries' performance on the above criteria gives them a relatively high score on the 'Land of Islam' scale.

References

Al-Alusi, Shihabuddin. N.d. *Ruh al-Ma`ani fi Tafsir al-Quran al-`Adheem*, vol. 18. Beirut: Dar Ihyaa al-Turath al-`Arabi.

Al-Bayhaqi, Ahmad Ibn Al-Hussein. 1994. *Sunan al-Bayhaqi al-Kubra*, vol. 9. Mecca: Dar al-Bazz.

Al-Kalabadhi Al-Bukhari, Abu-Bakr. 1999. *Bahr al-Fawa'id*, vol. 1. Beirut: Dar al-Kutub al-Ilmiyah.

Al-Kasani, Alauddin. 1982. *Bada'i` al-Sana'i` fi Tartib al-Shara'i`*, vol. 7. Beirut: Dar al-Kitab al-`Arabi.

Al-Mawardi, Ali Ibn Mohammad. 1985. *Al-Ahkam al-Sultaniyah wal-Wilayat al-Diniyah*, vol. 1. Beirut: Dar al-Kutub al-Ilmiyah.

Al-Mawardi, Ali Ibn Mohammad. 1999. *Al-Hawi al-Kabeer fi Fiqh Madhab al-Imam al-Shafie*, vol. 2 & 14. Beirut: Dar al-Kutub.

Al-Mawsili, Abdullah. 2005. *Al-Ikhtiyan,* vol. 4. Beirut: Dar al-Kutub al-Ilmiyah.

Al-Nasa'i, Ahmad. N.d. *Al-Jum`ah*. Amman: Al-Turath.

Al-Nawawi, Muhammad. 1405 h. *Rawdat al-Talibin wa `Umdat al-Muftim*, vol. 10. Beirut: Al-Maktab al-Islami.

Al-Qummi Al-Naisaburi, Nizamuddin. 1996. *Tafsir Ghara'ib al-Qur'an*, vol. 3. Beirut: Dar al-Kutub al-Ilmiyyah.

Al-Razi, Mohammad Ibn Omar. 1400 h. *Al-Mahsul*, vol. 4. Riyad: Jamiat al-Imam.

Al-Razi, Mohammad Ibn Omar. N.d. *Al-Tafsir Al-Kabeer*, vol. 32. Beirut: Dar al-Kutub al-Ilmiyah.

Al-Saify, Mahmoud. 2004. 'Fiqh for Muslim Minorities: A New Era for Islamic Jurisprudence'. MA thesis, University of Leiden.

Al-Sarakhsi, Shamsuddin. N.d. *Al-Usul*, vol. 9. Beirut: Dar al-Marifa.

Al-Yunini, Qutbuddin. N.d. *Dhail Mir'at al-Zaman*, vol. 2 Amman: Al-Turath.

Al-Zar`i, Mohammad Ibn Abu Bakr. 1405 h. *Al-Jawab al-Kafi Liman Sa`al `an al-Dawa' al-Shafi*, vol. 1. Beirut: Dar al-Kutub al-Ilmiyah.

Auda, Jasser. 2005. 'Islam'. In *Encyclopedia of the Developing World*, edited by Thomas M. Leonard. New York: Routledge.

Auda, Jasser. 2006. *Fiqh al-Maqasid*. Virginia: International Institute of Islamic Thought (IIIT).

Auda, Jasser. 2008. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought (IIIT).

Haddad, Yvonne Yazbeck. 1991. 'The Challenge of Muslim Minorityness: The American Experience'. In *The Integration of Islam and Hinduism in Western Europe*, edited by Wasif Shadid and Pieter van Koningsveld, 134-153. Kampen: Kok Pharos.

Hoffman, Abdul Hadi Christian H. 2002. 'Muslim Minorities in Non-Muslim Countries'. Paper presented at 'The Reality of Islam in a Changeable World', the 14th General Conference of the Supreme Council for Islamic Affairs, Cairo, Egypt, May.

Hofmann, Murad Wilfred. 2002. 'Muslims as Co-Citizens of the West: Rights, Duties & Prospects' [interview], *IslamOnline* website, 25 May.

Ibn Abidin, Mohammad. 2000. *Hashiyat Raddul-Mukhtar*, vol. 4. Beirut: Dar al-Fikr.

Ibn Al-Arabi, Abu Bakr. N.d. *Ahkam al-Quran*, vol. 1. Lebanon: Dar al-Fikr.

Ibn Al-Qayyim, Shamsuddin. 1997. *Ahkam Ahl al-Dhimmah*, vol. 2. Beirut: Ramady/ Ibn Hazm.

Ibn Qudamah, Abdullah Al-Maqdisi. 1405 h. *Al-Mughni fi Fiqh al-Imam Ahmad*, vol. 9. Beirut: Dar al-Fikr.

Ibn Taymiyah, Ahmad. 1386 h. *Al-Nubuwat*, vol. 1. Cairo: Al-Matba`ah al-Salafiyah.

Ibn Taymiyah, Ahmad. N.d. *Kutub wa Rasa'il wa Fatawa*, vols. 23 & 28. Cairo: Maktabat Ibn Taymiyah.

Khalidi, Omar. 1989. 'Muslim Minorities: Theory and Experience of Muslim Interaction in Non-Muslim Societies'. *Journal Institute of Muslim Minorities Affairs*, 10(2): 425-437.

Masud, Muhammad Khalid. 1989. 'Being Muslim in a Non-Muslim Polity: Three Alternative Models'. *Journal Institute of Muslim Minorities Affairs*, 10(1): 118-128.

Murad, Abdul Hakim. 1997. 'British and Muslim'. Paper presented at a conference of British converts, September.

Nizam, al-Sheikh. 1991. *Al-Fatawa al-Hindiyah*, vol. 2. Beirut: Dar al-Fikr.

Ramadan, Tariq. 2000. *To be a European Muslim*. Leicester: The Islamic Foundation.

Rath, Jan, Rinus Penninx, Kees Groenendijk, and Astrid Meyer. 2001. *Western Europe and its Islam*. Leiden: Brill.

Reda, Rashid. 1898. 'Mujmal Al-Ahwal Al-Siyasiyah'. *al-Urwah al-Wuthqa*, 29 February.

Reda, Rashid. 1971. *Fatawa*. Compiled by Salahuddin Al-Munajjid and Yusuf Khouri. Beirut: Dar al-Kitab al-Jadeed.

Reda, Rashid. [1922] N.d. *Al-Khilafah*. Cairo: Al-Zahra.

Rohe, Mathias. 2001. 'The Formation of European Shari'ah'. Paper presented at the 'Muslim Minority Societies in Europe International Workshop' at the University of Erfurt, 2-3 March.

Waardenburg, Jacques. 2000. 'Normative Islam in Europe'. In *Paroles d'islam: Individus, sociétés et discours dans l'islam européen contemporain*, edited by Felice Dassetto, 49-68. Paris: Maisonneuve & Larose.

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