



“E-FATWĀ”: A COMPARATIVE ANALYSIS OF
ISLAMONLINE AND *ISLAM Q&A*

BY

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A dissertation submitted in partial fulfilment of the
requirements for the degree of Master of Islamic
Revealed Knowledge and Heritage
(Fiqh and Usūl al-Fiqh)

Kulliyyah of Islamic Revealed Knowledge
International Islamic University Malaysia.

JANUARY 2010

ABSTRACT

Sequel to scientific and technological evolutions, electronic *fatwā* i.e. *e-fatwā* has become a phenomenon in the contemporary world. Arguably, it has become the most easiest means of getting *fatwā*, notwithstanding the geographical factor. Day by day, the number of websites devoted for *fatwā* making purpose has been increasing astronomically. While such means greatly assists in Da‘wah outreach, the negative aspect i.e. distortion of Islamic teachings could not be overlooked. Against this backdrop, this work undertakes a study of *e-fatwā* within four chapters. Chapter One is composed of introductory remarks and other preliminary information about the work. Chapter Two elaborates on the concept of *e-fatwā*, its significance in dissemination of Islamic teachings, as well as the prerequisites of both *muftī* and *mustaftī*. Chapter Three focuses on the comparative analysis of case study sites i.e. *Islamonline* and *IslamQ&A* with a view to highlighting some merits and demerits of *e-fatwā*. In pursuance of this, a number of *fatāwā* from the case study sites in four major aspects, namely, Ritual, Matrimonial, Financial and Bio-Medical are considered. While Chapter Four presents the findings of the study with some recommendations deemed necessary for proper utilization of *e-fatwā* in view of its overriding impacts on Muslim daily life. The study adopts both analytical and comparative methods. The former method is used for the purpose of expatiating on the basic concepts of the study, essential ingredients of a correct *e-fatwā*, and for the explanation of the selected *fatāwā* from both sites. Whereas the latter method is employed for the comparative analysis of those *fatāwā* vis -a -vis their merits and demerits. Lastly, findings and recommendations of the study are stated.

ملخص البحث

تعد الفتوى عبر الانترنت أي الفتوى الالكترونية ظاهرةً جديدةً في وسائل الإفتاء هذا العصر نتيجة تقدم العلوم والتكنولوجيا، حيث أصبحت تمثل أسهل الوسائل للحصول على الفتاوى لمواجهة المشاكل الحياتية، وسعيًا وراء هدف نشر الفتوى وتعليمها أخذ عدد المواقع الخاصة بإصدار الفتاوى ينمو يوماً فيوماً. و إذ تساعد هذه الظاهرة على توسيع نطاق الدعوة الإسلامية لإبلاغها إلى الشعوب المتباعدة الأمكنة في أنحاء العالم فإنه لا يجب أن يُتغافل الجانب الآخر السلبي لهذه الظاهرة- والمتمثل في إمكانية تشويه صورة الإسلام النيرة وتحريف رسالتها القيّمة. بناءً على ما سبق ، يتناول هذا البحث الفتوى الالكترونية من خلال أربعة فصول. يُعنى الفصل الأول ببيان مقومات البحث ومقدماته التمهيدية. بينما يتعرض الفصل الثاني لبيان مفهوم الفتوى الالكترونية وأهميتها في إصدار الفتاوى ونشرها بين المسلمين، كما يذكر شروط كلٍّ من المفتي والمستفتي . ويروم الفصل الثالث بيان إيجابيات وسلبيات الفتوى الالكترونية، وذلك اعتماداً على ما أفادته المقارنة بين أنموذجي إسلام أون لاين و إسلام سؤال وجواب من خلال ما أصدرتا من فتاوى في مجالات العبادات والأسرة والمعاملات المالية والقضايا الطبية. أما الفصل الرابع فهو عبارة عن ذكر أهم نتائج المقارنة وتقديم بعض التوصيات والاقتراحات في تصويب سلبيات الفتوى الالكترونية من جهة، وفي تقوية هذا النوع من الإفتاء الذي أصبح مهماً في توجيه حياة الناس اليومية من جهة أخرى. واعتمدت هذه الدراسة على المنهج التحليلي في الفصلين الثاني و الثالث، وذلك لغرض توضيح مفاهيم البحث الأساسية وتحليل شروط صحة الفتوى الالكترونية، وفي دراسة الفتاوى الصادرة من الشبكتين، كما اعتمدت على المنهج المقارن في المقارنة بين تلك الفتاوى من حيث بيان كلٍّ من سلبياتها وإيجابياتها. وأخيراً، ذكر البحث أهم النتائج التي توصلت إليها هذه الدراسة مع تقديم بعض التوصيات في توجيه نقائص الفتوى الالكترونية لما فيه السداد.

APPROVAL PAGE

I certify that I have supervised and read this research and in my opinion it conforms to acceptable standard of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Uṣūl al-fiqh).

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Ghalia Bouhedda
Supervisor

I certify that I have supervised and read this research and in my opinion it conforms to acceptable standard of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Uṣūl al-fiqh).

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Examiner

This dissertation was submitted to the Kulliyah of Islamic Revealed Knowledge and is accepted as partial fulfilment for the requirements of the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Uṣūl al-fiqh).

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This dissertation was submitted to the Kulliyah of Islamic Revealed Knowledge and is accepted as partial fulfilment for the requirements of the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Uṣūl al-fiqh).

.....
Badri Najib Zubair
Dean, IRKHS

DECLARATION

I hereby declare that this dissertation is the result of my own investigation, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degree at IIUM or other institutions.

Badmas AbdulHameed Yusuf

.....

Signature

.....

Date

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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This humble work is dedicated to the souls of :

Alhaji Imām Yusuf Badmas, my grandfather, and Shaykh Ādam ‘Abdullah

Al-Ilūrī, the erudite Islamic scholar.

May Allah reward them with *jannah al-firdaos*. Ameen.

ACKNOWLEDGEMENT

" رَبِّ أَوْزِعْنِي أَنْ أَشْكُرَ نِعْمَتَكَ الَّتِي أَنْعَمْتَ عَلَيَّ وَعَلَى وَالِدَيَّ وَأَنْ أَعْمَلَ صَالِحًا تَرْضَاهُ وَأَصْلِحْ لِي فِي ذُرِّيَّتِي إِنِّي تُبْتُ إِلَيْكَ وَإِنِّي مِنَ الْمُسْلِمِينَ "

The absolute gratitude is due to Allah, the Almighty. His mercy on me is infinite and inexhaustible. Also, my parents deserve my unflinching appreciation for their spiritual, moral and financial supports. May Allah provide them with good health, tranquility, prosperity and long life in abundance.

My supervisor Dr. Ghālia Bouhedda was very nice and kind to me. In spite of her various tight personal and official assignments, she took her precious time to read through the scripts with critical and constructive criticism. In the same vein, Dr. Ashraf Hashim deserves my appreciation for his painstaking and objective reading as the second reader. May Allah's infinite mercy and blessing, always be with both and the entire families.

Indeed, I must thank the entire lecturers and staff of my dear department i.e. *fiqh* and *uṣūl-fiqh* for making my study in the department a success story. Especially, the Head of department, Dr. Mek Wok Mahmud deserves my unreserved appreciation.

It is also necessary to thank Professor Aḥmad Sheu Abdussalam (formerly of department of Arabic, IIUM, and presently a full time Professor at the department of Linguistics, University of Ilorin, Nigeria). He played a fatherly role with constant sincere and progressive encouragement. Likewise, Assist. Prof. Dr. Abdulkabīr ṣālī ḥ Hussein of Department of General studies, IIUM. Equally, Alhaji Ibrahim Abubakar Eleyinla (PhD Candidate, Mass-communication, IIUM) and his wife, Umm 'Abdullah must be appreciated for their well-wishes and supports. I cannot but thank my fellow colleagues, the entire Nigerian Students Community Malaysia (NISCOM); brothers and sisters too numerous to mention, for their advise, encouragement and solidarity. May Allah reward you all abundantly.

Finally, I am indebted to my wife, Hajarrah and our lovely child, Maryam, for their perseverance and support throughout my research *ups* and *downs*. May Allah continue to be with us.

Jaza 'kumullah khayran Kathīrah !

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CHAPTER ONE

INTRODUCTION¹

1.1. INTRODUCTION

Islam is a religion based on knowledge and understanding. All the ritual activities regarding its fundamentals in *Ṣalāḥ*, *Ṣawm*, *Ḥāḡ*, *Zakāḥ*, entail some obligations with peculiar modes and principles which must be properly observed. For proper observation of those obligations, Muslims are in need of knowledge as a guide. Therefore, it is not accidental that the contents of the first revelation of the *Qur'ān* touch on knowledge when Allah says [meaning]:

Read in the name of your Lord, He created man from the congealed blood. Read and your Lord is noble. It is He who taught by pen. He taught man that which he does not know. (Qur'ān: 96:5)

As such, Muslims as a matter of necessity, are ordained to seek knowledge, especially that of religion wherever possible. Both *Qur'ān* and *Sunnah* are replete with texts calling on Muslims to seek knowledge. Equally, in no one instance do both *Qur'ān* and *Sunnah* extol the distinct position of an *‘Ālim* as being lofty and superior to that of a lay man. Allah says: “Are they equal: those who know and those who know not” (Qur'ān: 39:9)

However, it is also true that human beings are not equal in term of knowledge; while some possess substantial amount, some only have little portion of knowledge. Notwithstanding, little portion of knowledge is not enough as an excuse for failure to observe the religious rites as expected. A lay person is not allowed to

¹ The concept of e-fatwā being a new development does not enjoy a definite definition as far as the researcher knows. As such, it may be defined as any fatwā passed via the means other than the traditional face-to-face or writing means. Such means could be one of the electronic media as Television, Radio, Telephone or Internet.

observe religious obligations arbitrarily; just because of his lack of sufficient knowledge and understanding. For in another verse Allah commands a lay man to ask a knowledgeable person about the correct mode of doing things; it reads thus: “.....and ask those with knowledge if you do not know” (Qur’ān 17:43)

Accordingly, the concept of *fatwā* i.e. the legal interpretation presents a medium through which a lay man enquires a knowledgeable about his religious duties, ranging from the correct mode of establishing prayers, *Zakāh*, *Ṣawm* and *Ḥaj*, to the rules of transactions and contracts. The early Muslims, right from the time of the Prophet (SAW) down to the era of his Companions, did utilize this forum maximally. The Companions were ever ready to seek the Prophet’s (SAW) explanation on issues of concern to them when necessary. And having received adequate instructions from the Prophet (SAW), they assumed the position of giving *fatwā* immediately after his demise (SAW). They had mastered all the necessary branches of knowledge which the later scholars consequently identified as the prerequisites that qualify one to assume the position of *muftī*. In the present time, the institution is ever relevant and has even assumed a modern method. Instead of face to face method, prevalent in the early period up to the recent time, the usage of electronic media i.e. internet, has appeared as a veritable means of giving religious verdicts i.e. *e – fatwā*. Thus lot of websites are specially designed for *fatwā* making purpose, not only to the questioner as it were, but also to the general public.

Expectedly, the impact of this new trend on individuals is conspicuous. Unlike the conventional system, *e- fatwā* has a wider coverage as it can reach millions of audience at different places, towns and countries at the same time. Any individual with access to the internet service may make use of this means to inquire about the religious stance regarding new issues in the contemporary time. This modern means,

no doubt, presents a rare opportunity to communicate the Islamic teachings to the global audience. However, the fear lies only in its proper and positive utilization by the Muslim community and the concerned *muftī*.

E-fatwā as a modern trend in the institution of *fatwā* is the focus of this study. This work aspires to look at this phenomenon; its merits and demerits, by evaluating the two of the most popular sites which are preoccupied with *fatwā* making, namely *Islamonline* and *Islam Q&A*. Their choice is informed by the rich contents of their respective sites as well as their popularity among the Muslims/Users. The array of contemporary scholars playing the role of *muftūn* in those sites also stimulates one's attention.²

1.2. STATEMENT OF THE PROBLEM

The *e-fatwā* as a modern trend could be considered from two angles, namely, positive and negative. Depending on the proper utilization by both *muftī* i.e. (the scholar who is qualified to give *fatwā*) and *mustaftī* i.e. (the questioner who inquires from the scholar regarding a specific *Sharī'ah* position on a given matter), this modern trend could be used for or against Islam; to either enlighten Muslims or mislead them about the true teachings of the sacred religion. It could be considered as an instrument that can be manipulated positively or negatively, depending on the disposition and goal of the user. Thus it is necessary to consider *e-fatwā* as a new trend in the institution of *fatwā* with a view to highlighting its merits and demerits, so that recommendations for its better and maximum utilization may be proffered. All this shall be done with *Islamonline* and *Islam Q&A* as the case study sites.

² Browsing through the site one is astonished with the names of contemporary scholars like Shaykh Qarḍāwī, Shaykh, Wahbah al- Zuhaylī, Shaykh Ibn Bāz, Shaykh Sha
scholars. 'rāwī among ot

1.3. RESEARCH QUESTIONS

Against this backdrop, and in order to know the extent of the reliability of *e-fatwā*, this study will try to answer the following questions:

- 1- What is *e-fatwā*?
- 2- What are the general prerequisites of *e-fatwā*?
- 3- What are the impacts of *e-fatwā*?
- 4- What are the historical backgrounds of *Islamonline* and *Islam Q&A* ?
- 5- What is the legal reliability of selected *e-fatwā* ?

1.4. RESEARCH OBJECTIVES

1. To explore *e-fatwā* as a modern trend.
2. To navigate the general prerequisites for *e-fatwā*.
3. To enlighten the people on merits and de-merits of *e-fatwā*.
4. To analyze some *fatwā* issued from *Islamonline* and *Islam Q&A*.
5. To investigate the authenticity and basis of selected *e-fatwā*.

1.5. RESEARCH METHODOLOGY

Given its nature, this study will adopt a qualitative methodology. This method becomes necessary due to the fact that, on the one hand, the materials and literature used are mainly sourced from the library. On the other hand, it is inevitable to analyze in a comparative way, a number of *fatwā* drawn from our case study sites; *Islamonline* and *Islam Q&A*. For this purpose, it is deemed important to select some *fatwā* issued

from the four important aspects, namely, Ritual, Matrimonial, Financial and Bio-medical, as subjects of analysis.

1.6. SIGNIFICANCE OF THE RESEARCH

There is no controversy in the fact that inquiry about religious matters is considered a compulsory exercise in *Islām*. Because the proper worship of Allah the Almighty is to a larger extent, hinged on knowledge and understanding of basic ritual practices. Hence the importance of *fatwā*. Due to this importance, a number of conditions and prerequisites have been laid down by the scholars. Those conditions must be satisfied by a prospective *mufti* before assuming the office. The purpose is to safeguard the institution of *fatwā* against any form of abuse.

While e-*fatwā* may be regarded as a vehicle through which Islamic propagation could be undertaken, it is equally correct that this medium could be used for further and intense distortion of *Islām*. In view of the large audience patronizing this system, the resulting effect of either instance would be resounding and enormous. It is true that the eventual result whether positive or negative would be largely informed by both *muftī* and *mustafī* as they are major players in the institution of *fatwā*. Thus, it is axiomatically true that a *mustafī* is to *muftī* what a patient is to his doctor. Just as the doctor should be extra careful while operating his patient, the *muftī* is required to be more cautious and meticulous before giving a legal opinion to the *mustafī*. In the same vein, it is incumbent on *mustafī* to conduct himself in a polite and sincere manner while asking a question, just like a patient is required to do.

Furthermore, the ever increasing websites designed for *fatāwā* giving is noticeable; perhaps as a result of growing new developments in the socio-political and economic spheres throughout the globe. It is then natural that Muslims would wish to

ascertain the Islamic perspective regarding the novel issues occasioned by those developments. Thus, different *muftūn* emerge on electronic media, giving legal verdicts on various questions as posted by conscious Muslims who want to be at the safer side and to avoid being swept away by the illusions brought about by the so-called scientific and technological discoveries.

Also, the significance of this study can be noted in that it is a practical approach to *fatwā*. The *fatāwā* as shall be analyzed later, reflect the real feelings of the people as well as their keenness to search for the religious solutions to their socio-economic problems. Issues that could not have been raised face-to-face with *muftī*, perhaps due to certain factors, are being asked on line. Accordingly, many practical problems are addressed from the religious point of view. This fact in itself underscores the significance of this study. Additionally, given the dearth of materials on the study of the electronic *fatwā* as a new trend in the institution of *fatwā*, this work is necessary so as to fill in the vacuum.

1.7. LITERATURE REVIEW

Fatwā as a jurisprudential discourse enjoys a wide range of references, as scholars both classical and contemporary, consider it as an important area that must be adequately addressed. Literature on the institution of *fatwā* is available in Arabic and English Languages. However, there are two approaches adopted by the authors while treating this discourse: the first approach is that the concerned scholar would discuss *fatwā* in a separate chapter simultaneously with other related discourses, namely, *Ijtihād* and *Qaḍā* among other chapters in a book; while the second approach is that the scholar would treat it independently and dedicate a whole book to it to ensure an elaborate treatment. The first approach seems to be a common practice.

Irrespective of the language by which they are written, all the literature used in this work could be classified into two broad groups, namely, primary and secondary. The former group, represents a number of works on *fatwā* written in the context of conventional mode i.e. face-to-face method (with both *mustaftī* and *muftī* sitting at the same place), without any allusion or reference to the modern trend i.e. *e-fatwā*. Whereas, by the latter, we mean those books/articles that discuss *fatwā*; conditions and criteria of the *muftī*; his relation to the *mustaftī* etc., both in context of conventional system and modern time trend i.e. *e-fatwā*. Absolutely, the number of materials in the second group is smaller than those enormous works available in the first group. This is especially understandable in that, *e-fatwā* is a modern trend; it only dates back to the recent century, unlike the conventional method which has its existence traceable back to the era of the Prophet (SAW) and his respected Companions.

Nevertheless, for the purpose of this work, those literature with direct relevance shall be reviewed. This does not in any way suggest that other classical works will be relegated and ignored. Rather, they form the basic literature in any discourse of *fatwā*. Since the classical works on *fatwā* are widely known, and due to the time-space limit of the work, contemporary works directly related to the study shall be reviewed as follow:

Ma'ā Al Muftī wa-al-Muftī. This is a contextual work. The author Dr. Abdul-Ganī 'AbdulḤamīd, a Nigerian Scholar, sought to discuss the institution of *fatwā* taking his homeland, Nigeria as a case study. Originally, this book was a paper he presented at an International Conference in Saudi Arabia with the theme: The Challenges of *Fatāwā* ; organized by the Committee on *Da'wah* in Africa under the auspices of Ministry of Islamic affairs, *Da'wah* (Calling) and *Irshād* (Guidance),

Kingdom of Saudi Arabia, 1427 AH³. Having dealt with the concept of *fatwā*, *muftī* and *mustaftī* in the first three chapters respectively, the author devoted the last two chapters, namely, four and five, to the examination of the prevailing state of the institution of *fatwā* in Nigeria as a whole. The significance of this novel work lies in its clarion call on the policy makers regarding the need to institutionalize *fatwā* in Nigeria thereby according it its deserved place.

The author reiterated that the exercise of giving *fatwā* in Nigeria is not uncommon. Rather, there are individual scholars who give *fatwā* in different fora. Customarily, guest speakers used to give *fatwā* in response to the requests of the audience after the end of his lectures or talks. Another forum through which *fatwā* is given is on the TV. and Radio programs whereby the listeners or viewers via phone calls ask questions based on the topic discussed by the guests, or on a related issue. These fora, no doubt, contribute in no small scale to people awareness and enlightenment about their religious duties. Yet the author asserts the need for a formalized approach in form of establishment of Committee of *Fatwā* consisting of qualified and seasoned *Sharīʿah* scholars. The religious establishments such as Supreme Council For Islamic Affairs and The League of ‘*Ulama* in the southern part of Nigeria and the like should extend their scope of operation. Instead of limiting their functions exclusively to the determination of appropriate day for Ramadan and Eid days only, these bodies could expand their areas of interest so as to function as *fatwā* giving bodies.⁴ This, it is believed, will rid the society of self-styled *muftī* who arrogates to himself authority to give *fatwā*. Quite often, ill-prepared *fatwā* emanating from such “*muftī*” largely and negatively tend to contribute to the deplorable

³ ‘AbdulGhanī Akorede AbdulHameed, *Ma Mukhtār*, 1429 AH-2008 AD), 1st edition, 9.

⁴ Ibid., 97-98

, ‘*al-muftī Ma al mustaftī -āssasah al*

conditions of the Muslim society. In actual sense, the author is believed to have led the way and become the first writer to discuss, in a dedicated book, *fatwā* in the Nigerian context.

However, there remains some effort perhaps by other writers, to analyze some *fatwā* so far made by some Nigerian scholars such as those mentioned in the book i.e. Shaykh Abubakar Gumi and the like. This will shed light on the practical contributions of those scholars to the institution of *fatwā*, even though in an informal way. Not only this, it is necessary to sensitize Muslims of Nigeria particularly, of the need to utilize maximally and positively, the internet as a medium of *Da'wah*, nay *fatwā* giving. Actually, this could be employed as *Da'wa* vehicle to reach out to the internet-addicted individuals; Muslims and non-Muslims alike. As such, our work is poised to discuss *e-fatwā* as a modern trend, which the book under review did not cover adequately.

Ṣinā'uh al fatwā al mu'āṣirah by Prof. Mustapha Sano Koutoub is another contemporary work on *fatwā*. This treatise derives its significance in that, the author took a caveat approach alerting the Muslims of the impending negative consequence that might result from the abuse of the institution of *fatwā*. Gone are those days when the faithful and knowledgeable ones would avoid giving *fatwā*, not due to their lack of qualification to do so, rather it is due to their recognition of its vital and delicate nature. Presently, the reverse is the case; *fatwā* giving has been turned in to a 'toy' accessible to unqualified youths. Sensitive issues pertaining to '*Aqīdah*, politics, economics are descended upon with less caution, thereby generating confusions and chaos amongst the *Ummah*. Such a quack *mufti* would not hesitate to pass uninformed legal verdicts devoid of consideration of *Maqāṣid al-Sharī'ah* (objectives of the *Sharī'ah*), on burning issues such as the question of 'suicide bombing', 'bank interest',

‘cloning’, ‘test tube babies’ etc. Regrettably, the internet has become a veritable means through which vicious *fatwā* is being passed.

Against this backdrop, the author felt the need to articulate some set of rules and regulations guiding the institution of *fatwā*. He considers the institution of *fatwā* as an independent discipline just like medicine etc. To him, in order to protect this discipline against the incursion of unqualified, there should be a new set of rules and regulations together with some academic qualifications which must be possessed by the prospective *muftī*.⁵ Additionally, he advocates for the reform of curriculum in the colleges and the universities in order to expand and improve on the scope of this discipline. Instead of narrowing it under the subject of *uṣūl fiqh*, the author submits that the institution of *fatwā* deserves an autonomy as a course having its separate scope, objective and importance.

Nevertheless, this treatise is not a comparative study of *fatwā* -giving via websites, an approach which the present work is taking. Hopefully, the lacuna will be well filled in this humble study.

Al- iftā' ʿabra al qanawāh al faḍāʾiyyah wa āthāruhu ʿalā waḥdah al ummah.

This is an article presented by Dr. Ismail Kazhim al-ʿisāwī at the International Conference organized by Kuliyyah of Revealed Knowledge, Department of Fiqh and Uṣūl fiqh with the theme: *Ijtihad* and *Iftah*: Prospects and Challenges, between 12-14 August, 2008. It falls between page 37-52. As the title suggests, the author discusses *fatwā* in the light of the new approach which it has taken i.e. the electronic means:

⁵ Mustapha Sano Koutoub, *Ṣināʾ al-iftā'*, 186.

Ṣināʾ al-iftā', 186. (1429 AH- 2008 AD) 1st

Actually, this work could be regarded as the most direct and relevant literature to the present work.

Even though, our case study sites, *Islamonline* and *Islam Q&A*, are among the sites so treated, the author does not aim at the comparative study. Mainly, his study is more or less an overview or survey of the Muslims response to the evolution of Internet. By this, he analyzes the prospects and challenges of this modern phenomenon. Thus, the present study aspires to make up for this area by comparatively studying the two sites, namely, *Islamonline* and *Islam Q&A*.

The Internet As A Channel of Religious Communication: An Analysis of Muslim Web sites. This is another slightly direct literature. It was a thesis submitted by AbdulHameed Kayode Agboola to the Department of Communication, Kuliyyah of Islamic Revealed Knowledge and Human Science, in partial fulfillment of the requirements for the Master Degree.⁸ Being a study approached from communication perspective, the author seeks to see how the internet is being used as an effective medium to communicate and reach out to the people of global village for Da‘wah purpose. To ensure this, he surveys a number of Islamic homepages and found out that the educative and propagating articles are very low compared to the informative ones. Painstakingly, the author identifies various typologies of the Islamic sites according to the ownership/sponsorship, and categorizes them as Religious Organizations, Individual sites, Student sites and Government sites.

Generally, the author beams a search-light on internet as a modern means of communication through which the Islamic propagation activities, *e- fatwā* inclusive, could be substantially carried out. However, he rang a warning bell to alert the

⁸ AbdulHameed Kayode Agboola “The Internet As A Channel Of Religious Communication: An Analysis of Muslim Websites” (M.A Dissertation, Department of communication, Kuliyyah of Islamic Revealed Knowledge and Human Science, International Islamic University Malaysia, July, 2001).

Ummah on the presence of some sites masquerading the Islamic identity, thereby stylishly attempting to distort the image of Islam. Indeed, with the pieces of information, regarding the emergence as well as the viability of internet as a medium of Da‘wah communication, provided in this thesis, the author has made a considerable contribution to the discourse of e-*fatwā*. But, the scope of his study does not cover the comparative analysis of some sites, the focus of this present work.

Media muftis: Radio fatwas in Yemen, by Brinkley Messick, is one of the articles edited by Muhammad Khalil Masud et.al, in a book titled: Islamic Legal Interpretation: Muftis And Their Fatwas. The author considers the institution of *fatwā* in the light of modern trend as reflected in the use of Radio as a means of *fatwā* making. Taking Yemen as a case study, he did a comparative analysis between the conventional mode of *fatwā* giving, namely, face-to-face, and the modern trend as exemplified by the Radio. His study is considered as an eye witness account as he had some encounter with three prominent *muftūn* in Yemen, the first two were of the traditional type, while the third one belonged to the modern trend i.e Radio. The author affirmed that one of the remarkable differences between the two modes is that while a conventional *mufti's fatwa* could be read and interpreted by the literate and knowledgeable for themselves and others, a *fatwā* heard over radio must be immediately and generally clear.⁹ Indeed, the relevance of this article to our present work is manifest, for Internet just like Radio falls within the various kinds of the electronic Media. While he studied how Radio was being used for the *fatwā* giving, our focus is on the Internet.

⁹ Brinkley Messick: “Media muftis: Radio fatwas in Yemen”, in Islamic Legal Interpretation: Muftis And Their Fatwas, Muhammad Khalil Masud ed. et.al, (London, Harvard University Press Cambridge, Massachusetts England, 1996) 318-9.

Thus this study promises to be distinct and different from the previously reviewed literature in that it will approach the institution of *fatwā* in light of the modern trend, namely, electronic *fatwā*. In essence, it aspires to analyze a number of *fatāwā* passed by the two sites, namely *Islamonline* and *Islam Q&A*. Issues raised to generate those *fatāwā* typify the real and practical concerns of Muslims to be aware of the Islamic stances regarding Ritual, Matrimonial, Financial and Bio-Medical aspects of their life. More so, it will highlight on both coins of the electronic *fatwā* i.e. merits and demerits with a view to offering some recommendations and suggestions for a better utilization of the electronic media for *fatwā* making purpose.

CHAPTER TWO

THE CONCEPT OF 'E-FATWĀ'

2.1. DEFINITION OF $E\text{-}FAW\bar{A}$

Fatwā as a concept has been defined as a response to a *Sharīʿah* issue, or a verdict which does not carry a binding force like *Qaḍāʾ*.¹⁰ Equally, it is defined as a response given by a qualified person i.e. *muftī* who expounds the ruling of *Sharīʿah* on a particular issue that is put to him by a person or group of persons i.e. *mustaftī*.¹¹ From above definitions some points are clear. One, that *fatwā* is a response. This implies a previous inquiry, as there is no response without such. Two, that such response is given by a qualified person otherwise known as *muftī*. By implication, such response is not expected from an ignorant as he is not qualified. Three, that such a qualified person i.e. *muftī* is to expound on the ruling of *Sharīʿah* on a particular issue. Four, that a question is posed by a *mustaftī*. And with the phrase ‘...of *Sharīʿah*’, it follows that a response given to explain a linguistic issue is not deemed as *fatwā*.

In another version, *fatwā* is defined as a non-binding, advisory opinion of *Sharī'ah* issued by an expert scholar with specialized training, known as a *muftī*, usually- but not necessarily- upon the request of one or more questioners, known in the singular as a *mustaftī*, about a real or hypothetical situation.¹² It is clear from the above that a *fatwā* does not carry a binding force as it is a mere advice or better still,

¹⁰ Ibn Qayyim, al-jawziyyah, i (ilmiyyah 1991), v.4. 251

¹¹ Yusuf al- Qarḍ āwī, *al-Fatwā bayna al-Inḍibāt wa al- Tasayyub*, (Cairo: Dār al-Şafwah)n.d., 11, cited in Mohammad Hashim Kamali: ' Shari'ah Law: An Introduction, (Kuala Lumpur , 2008), 174.

¹² Saiyad Nizamuddin Ahmad, *Fatwas of Condemnation: Islam And The Limits of Dissent*, Ajmal M. Razak Al Aidrus ed., (Malaysia: International Institute of Islamic Thought and Civilization (ISTAC), International Islamic University Malaysia, Kuala Lumpur 2006), 47.