

**POLITICAL LOYALTY AND THE ETHICAL  
TURN IN ISLAMIC LAW: THE CASE OF THE  
EUROPEAN COUNCIL FOR *FATWĀ* AND  
RESEARCH**

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**Abstract**

The European Council for *Fatwā* and Research, the authoritative Sunni reformist scholarly institution (based in Dublin, Ireland), has so far published three *fatwās* and legal declarations concerning Muslims' allegiance to European states; these were released in 2006, 2007 and 2015, mainly by 'Abdallāh b. Bayya and Yūsuf al-Qaraḏāwī. I suggest studying each of these discourses' arguments and theses in chronological order. Next, the resources and limitations of loyalty in the ECFR's *fatwās* will be examined in relation to the idea of multiple loyalties, liberal citizenship, and allegiance to non-Muslim states. Specifically, emphasis will be placed on how, in the European setting, loyalty to secular states and Islam can coexist, complement each other, or conflict. The legal statements on political loyalty issued by the European Council for *Fatwā* and Research are analyzed to show the organization's dedication to the ideas of multiple loyalties and the harmony and complementarity of political citizenship with religious loyalty to Islam. It is argued here that the ECFR's *fatwās* take an ethical turn in Islamic law and consider virtues, the public interest, human rights, and higher goals of law as a framework for their legal statements, as opposed to just repeating strict rulings of traditionalist *fiqh*.

**Keywords:** *Political Loyalty, Islamic Law, Fiqh, EFCR, Fatwa*

## 1. Introduction

Since 9/11, studies have emerged to examine loyalties among Western Muslim communities raising the question of the ability of Muslims to be loyal to Western secular states. Yet, the discussion has been skewed, and the overall image of loyalty in Islamic political ethics is still mostly poorly understood. In the midst of the surge in jihadist violence in the Middle East (particularly in Iraq), ample research on the *al-walā' wa-l-barā'* (الولاء والبراء –loyalty and disavowal) doctrine was published between 2009 and 2015. However, systematic knowledge of how Islamic political ethics view the moral basis of loyalty and how it perceives Muslim commitment to non-Muslim states remains lacking.

Up until now, research has primarily concentrated on using the concept of *walā'* and *barā'* (الولاء والبراء –loyalty and disavowal) as a response to geopolitical and religious challenges they perceive as a threat to Islam.<sup>1</sup> Comparing the Salafi stance on disavowal of non-Muslims to reformist stances—which are far more moderate and open than the Salafi perspective—is another area of emphasis<sup>2,3</sup> of recent research. And finally, the traditionalist Salafi take on *walā'* and *barā'* as theological categories of constructing the ideal Muslim was briefly studied by Adis Duderija.<sup>4</sup> More recent research focused on the Salafi perception of Muslim loyalties. Thus, in 2019, Damir-Geilsdorf et al. investigated a group of Salafists in Germany whose ideas of individual loyalty and disavowal intersect with issues of identity, belonging, inclusion, and exclusion, which are strongly intertwined with the realities of everyday life.<sup>5</sup> In 2022, Fawaid and Nashihah revisited the Saudi Salafi Muḥammad Bin Ṣāliḥ Al-ʿUthaymīn's thought on loyalty and disavowal concluding that he rejects other religious communities and that even under certain conditions they can be fought.<sup>6</sup> In 2024, Wrogemann argued that Salafis believe that being loyal to Islam means keeping oneself away from non-orthodox norms and non-believers. The urge for disavowal among Salafis might be seen as a response to a perceived situation of religious or political threat.<sup>7</sup>

The reformist stance's ideas on political loyalty are still not well understood or contextualized. Comparing them to Salafi arguments—particularly extremist Salafism<sup>8</sup>— or envisioning the reformist perspective as a pursuit to adapt Islamic law to Western citizenship, has been the main subject of inquiry.<sup>9</sup> It is therefore necessary to comprehend Sunni reformism on political allegiance as a moral basis of group identification, the self and the other, and the processes of forming alliances and the quest for social cohesion. In

order to do this, this article will conduct a thorough examination and analysis of three discourses on loyalty by the European Council for *fatwās* and Research, the most authoritative Sunni reformist body of scholars in Europe.

Three *fatwās* and legal declarations regarding Muslims' allegiance to European states have been released by the ECFR thus far, and they were published between 2006 and 2015. I propose analyzing the arguments and thesis of each of these discourses in chronological order. Next, I will discuss the ECFR's discourse on loyalty's resources and limitations as they relate to the notion of multiple loyalties, liberal citizenship, and allegiance to a non-Muslim state, as well as the possibility for compatibilism in the European setting.

## **2. Background and review of literature**

Based in Dublin, Ireland, the European Council for *fatwā* and Research (ECFR) is an autonomous Islamic scholarly organization. Under the direction of Yūsuf al-Qarāḏāwī (1926-2022), fifteen Muslim Sunni scholars created the ECFR in 1997 at the behest of the Union of Islamic Organizations in Europe, which is closely related to several Muslim Brotherhood offshoots. Even though they have become respected authorities in Islamic law and ethics outside of their immediate circles or organizations, the majority of the founding members lived in the Muslim world. The ECFR seeks to bring Muslim experts' views on jurisprudence into harmony, issuing collective *fatwās* that, in light of *Shari'ah* requirements and goals, respond to the demands of European Muslims.<sup>10</sup> The ECFR has become a significant organization in the field of Muslim law and ethics in Europe, attracting the attention of researchers and followed by many Muslims. Yet, the impact of the ECFR is limited, especially since the field of Islamic authority in Europe is fragmented, and Muslim communities follow various figures of authority. South Asian Muslims in Europe, to cite only one community, reject the ECFR's authority because they follow the religious guidance of scholars in South Asia. It frequently issues *fatwās* at meetings held in different European cities once a year on average. The ECFR, which is composed of no fewer than thirty-two Muslim legal scholars, is still active in European discussions about Islam and keeps up-to-date. In spite of its traditionalist nature, the ECFR continues to be a preeminent gathering of Muslim scholars of *fiqh* committed to the European scene.<sup>11</sup> Still, the ECFR co-exist with other organisations of Islamic law such as the BBSI (British Board of Scholars and Imams), *Dārul Ifta al-Qalam* in Bradford and *Dārul Ifta* in Leicester.

Numerous scholars have conducted extensive research on the ECFR's *fatwās*. Thus, Karen-Lise Johansen Karman examined how the interpretation of Islamic law in the ECFR's work addresses the challenge of legal plurality in Europe.<sup>12</sup> Alexandre Caeiro concentrated on the Islamic authority and minority *fiqh* initiatives of the ECFR.<sup>13</sup> Mohammed Ghaly emphasized the cross-border aspect of the ECFR's decisions on bioethics.<sup>14</sup> Lena Larsen investigated the transnational influences on the ECFR's legal discourse<sup>15</sup> as well as women's issues in its *fatwās*.<sup>16</sup> Adil Hussain Khan discussed how the ECFR shaped the perception of European Islam.<sup>17</sup> Uriya Shavit studied the ideology and practice of the ECFR as well as its effects on particular Muslim populations in Europe<sup>18</sup> while recently Chiara Anna Cascino examined the call to Islam in the activity of the ECFR.<sup>19</sup>

However, the political aspect of the ECFR *fatwās* has not been the focus of any of this significant research. In particular, with the exception of a few sections in the writings of March<sup>20</sup> and Shavit<sup>21</sup>, the ECFR's legal statements on political loyalty and citizenship have been largely disregarded. Consequently, the purpose of this paper is to close the knowledge gap in academic studies of the ECFR rulings. The ECFR is widely acknowledged as the most conspicuous, consistent, and cohesive body of Islamic law in Europe. However, its importance in political thought has not received enough attention, possibly because religious institutions are not expected to play such a role in secular European contexts. However, as political loyalty is an ethical issue as well as a political one, every Islamic institution is expected to have an opinion on the subject as part of Islamic public ethics.

### **3. Research methodology**

In terms of methodology, I use a text analysis method to determine the major thesis of a *fatwā* as well as the arguments presented in support of a particular thesis. *Fatwās* are a unique type of text that was created in a sort of emergency and in reaction to crises at individual or collective levels and typically includes prudent statements about the issues at hand. *Fatwās* consider the optimal course of conduct in light of Islamic law, but they are also realistic enough to pay close attention to how these rulings could be applied. They are legal documents that require an analysis of the author's history, the critical examination of a series of assertions and arguments, and the way they respond to a specific situation. To comprehend the extent and boundaries of these *fatwās*, each of these elements will be discussed here. These legal texts also provide insight into current Muslim discourses about political loyalty as well as the

current debates on Islam in Europe. When I examine the points at hand, I place these arguments in the context of the ongoing discussions about Islam and politics in Europe. Additionally, I discuss the possibilities and constraints of the ECFR's political loyalty rhetoric from a political philosophy standpoint, looking at concepts like compatibilism, multiple loyalties, and liberal citizenship.

Despite being written by more than one figure of authority and at separate times, the three *fatwās* have an inherent connection. The first node to account for is that they were produced in 2006, 2007, and 2015. These are crucial, high-intensity years in the relationship between the Western and Islamic worlds. On the one hand, the securitization of Islam that followed the 9/11 terrorist attacks and the terrorist attacks in Europe (Madrid, London, Paris) suspected Muslims and their loyalty to the European states. Conversely, the Middle East's destructive years of invasion of Afghanistan and Iraq by the West put Muslims and Westerners in direct political confrontation, which also affected Muslims in Europe. In order to give these Muslims moral guidelines of what to believe, how to behave, and who to belong to in such an intense context where identity is a point of conflict and subject of highly securitized discourses and measures, Islamic figures of authority were called to produce accommodating and nuanced viewpoints.

Regarding the authoritative personalities who authored these *fatwās*, primarily Yūsuf al-Qaraḍāwī and ‘Abdallāh b. Bayya, they both share a Sunni reformist school of thought and have been pioneers of this perspective for many years, often working together to support it with literature, networks, and media presence. In the early 2000s, they made a similar contribution to the adaptation of Islamic law to modernity, particularly to the minority setting of Muslims, assuming positions in major organizations of Islamic law in the West. In the Gulf countries, they have also been collaborating in a number of Islamic organizations for several decades. Beyond these collaborations, they share a conviction in highlighting ethics in Islamic legal rulings. When tackling different legal issues, they have utilized similar methodologies to highlight the greater goals of Islamic law and ethics, and they are pioneers in the so-called *maqāṣid* shift in Islamic law.

The theoretical perspective that informs this article and directs the study of the three *fatwās* is the ethical turn taken by Muslim jurists under the influence of *maqāṣid al-sharī‘ah*.<sup>22</sup> Instead of being satisfied with textual principles and the practice of analogy, Islamic legal reasoning began, in the last three decades, to take into account the

greater goals of *Shari'ah*, such as the public interest (*maṣlahah*, i.e., protection of life, religions, intellect, family, and property) in more significant ways. Two main factors influenced this ethical shift: The first is a crisis in terms of religious authority, tradition, and society. By taking an ethical turn, the jurist indeed compromises on some rules or procedures in favour of the local or global public interest of Muslims. Yet, he can preserve tradition as a foundation for the *ummah's* legal and ethical reasoning in times of crises. Since the Muslim jurist must respond to the competition of other religious or non-religious authorities who are more receptive to the modernization of Muslim thought, this endeavour also has societal and political significance. Throughout Islamic history, the Muslim jurists have learned to develop a resilient mindset, which also helps explain the ethical shift in Islamic law. This is due to the tenacity of *fiqh* and Muslim jurists, particularly Sunni reformist jurists, who have been continuously adjusting and demonstrating flexibility in order to accommodate modernity since Muḥammad 'Abduh (1849-1905).

#### **4. The Compatibility thesis: Muslim loyalty in European countries**

Let us start with the first *fatwā* about Muslims' allegiance to European governments, which was issued by the ECFR in 2006 during its sixteenth session in Istanbul and published as resolution 62 (2/16). Here's how this *fatwā* unfolds:

Loyalty is a strong bond that links a person to a special, close, and intimate relationship, from which obligations, rights, and duties arise. This relationship has different aspects and multiple dimensions: loyalty may be to belief, or it may be to lineage, people, and homeland. It may be by covenant or contract. The Qur'an and Sunnah refer to all of these meanings. The highest of these loyalties is loyalty to the faith, which includes belief in its pillars, the practice of rituals, and commitment to virtuous morals. This loyalty does not contradict loyalty to the homeland, with which a person is bound by the contract of citizenship, so he should defend the territory of the homeland against any attack.<sup>23</sup>

This *fatwā* makes five claims about political loyalty of Muslims to European states. It first introduces the idea of having multiple loyalties; Muslims residing in Europe display several identity dimensions related to their religion, ethnicity, citizenship, and place of origin. As a matter of fact, everyone residing in Europe, outside of Muslim populations, possesses numerous identities. Being born into a

family that is Turkish, Indonesian, or Moroccan and living in the Netherlands, for instance, may give rise to divergent religious, ethnic, and political allegiances within these families as well as distinct connections to the Dutch identity.

Second, Islamic ethics recognize the legitimacy of having multiple loyalties and identities, as they do not preclude nonreligious forms of loyalty. Hence, one cannot defend exclusive loyalty to Islam by citing Muslim scripture. The Salafi ideology of exclusive loyalty to religion based on the principle of *al-walā' wa-l-barā'* (الولاء والبراء – *loyalty and disavowal*) is being particularly challenged by this counter-discourse. Following 9/11 and the attacks on Iraq and Afghanistan, the West endorsed aggressive policies in the Middle East. This led to extremist reactions within Salafism, which banned any political allegiance to the West using the doctrine of loyalty and disavowal.

Third, since loyalty is defined in this statement as a question of rights and obligations, it implicitly reminds Muslims of the obligations of trust they have to European governments and also serves as a reminder to European states to care for Muslims' rights in Europe. Mutual loyalty, as a contract, denotes a commitment on the part of both parties to fulfill the obligations and responsibilities acknowledged.

Fourth, this *fatwā* states that the highest kind of allegiance is religious loyalty, which includes following moral precepts, engaging in ritual practice, and believing in its tenets. There is a hierarchy of loyalties in this sense, with allegiance to Islam taking precedence over all others. It is clear that this commitment is understood to mean adhering to Islam as a religion and ethics (though some may contend that Islam should be viewed as a political community as well). From the perspective of the ECFR, political commitment to secular European nations does not imply abandonment of fidelity to Islam as a religion.<sup>24</sup> It simply suggests that, beyond all other obligations, a Muslim's fundamental identity is derived from their loyalty to Allah Almighty (sincere faith) and Islamic principles. This must also be interpreted as a normative declaration by a religious organization, which may not always align with the more nuanced daily experiences of Muslims.

Fifth, this *fatwā* supports the notion of non-contradiction between allegiance to European states and Islam. Loyalty to one's country is understood to mean that Muslims should respect their commitments as citizens, namely by protecting their new country

unconditionally from all attacks (obviously including attacks by Muslims). When it comes to the hierarchy of loyalties—religion being the highest—there is conflict between elements four and five in the event that a European state assaults a Muslim country.

The ECFR reiterated in 2007 in its *fatwā* 1/17 that “citizenship does not conflict with *walā’ shara’ī* (الولاء الشرعي- Islamic loyalty), as the presence of a Muslim in a land other than Muslim lands does not require him or her to commit to any of the requirements of citizenship that contradict his religion, such as defending it if it is attacked”.<sup>25</sup> The ECFR requires “Muslims to be at the forefront of those who defend their country from harm, and it is not permissible for Muslims to participate in any aggression carried out by their country against any other country, whether it is Islamic or not”.<sup>26</sup> The ECFR states here that Muslims should serve in the European armies in order to protect European countries. However, European armies fight aggressive wars overseas, whether in Muslim or non-Muslim lands. Thus, it is appropriate to raise the question of whether the ECFR would allow Muslims to enlist in these armies for aggressive wars. As we know from a number of historical examples, Muslims served in European troops during Colonial conflicts in Africa and Asia, as well as in conflicts between superpowers during the First and Second World Wars. Considering the lack of recruits in the European military, the proportion of Muslim youth in the population, and the fact that various European governments are willing to be involved in wars and conflicts, this question will become extremely relevant once more.

Therefore, for the ECFR, the main goal of debating how Islamic loyalty and citizenship are compatible was to persuade Muslim populations who were wary of the Salafi belief that Islamic loyalty and citizenship are incompatible. The compatibility thesis reassured its audience that being a citizen does not compromise one’s Muslim identity. In keeping with Islamic beliefs, it also emphasizes the morality of defending one’s homeland from aggression (patriotism). All things considered, the discourse of compatibility is trying to reconcile political discourses of allegiance to citizenship with religious discourses of loyalty to Islam, while also legitimizing citizenship and Islamizing its prerequisites.

This *fatwā* illustrates the ethical shift in Islamic law in three cases. First, this *fatwā* ignores a crucial aspect of the *fiqh* literature on the status of Muslims living abroad, which is the distinction between the rulings of the abode of Islam vs. the abode of war. Moreover, this *fatwā* extrapolates a general ethical teaching regarding loyalty found

in the Holy Qur'ān and *Sunnah*, rather than conducting a detailed legal analysis of the Quranic verses and the hadiths. Finally, the *fatwā* also displays a discernible amount of prudence in order to enable Muslims to fulfill all of their responsibilities in a non-Muslim society, reconciling loyalties at the price of distinguishing the realms of faith (loyalty to God) and law (loyalty to citizenship).

### 5. The Complementary thesis: Loyalty between religion and citizenship

In 2014, the ECFR published a legal judgment written by one of its main jurists, 'Abdallāh b. Bayya, in 2007 and which served as the organization's second statement on loyalty. Born in 1935, Bin Bayya is a Mauritanian Muslim scholar and politician who has had prominent roles in organizations pertaining to Islamic law and ethics in the Gulf States and Europe; Bin Bayya is the head of the UAE Council for *Fatwā* and a prominent member of the Dublin-based European Council for *Fatwā* and Research.<sup>27</sup> In recent years, because of his close ties to the United Arab Emirates and his opposition to the influence of the Muslim Brotherhood on any organization or state, including Qatar, Bin Bayyah has lost favour as an ECFR authority and is no longer associated with the organization.<sup>28</sup>

'Abdallāh b. Bayya's text titled *al-Walā' baina al-dīn wa-l-muwāṭānah* (الولاء بين الدين والمواطنة - loyalty between religion and citizenship) was published on the ECFR website in 2014. Bin Bayya starts out by stressing the concept of having various loyalties:

From the perspective of meaning of *walā'* (الولاء - loyalty), it could be different depending on the context, which makes us state that this concept is not rigid or a legal reality like prayer, fasting, and almsgiving, but rather it sometimes means belonging to the religion by supporting it and assisting its people, especially in the case of aggression against it; in this context, we should refer to the Quranic verse 5:55 (Your true allies are God, His Messenger, and the believers— those who keep up the prayer, pay the prescribed alms, and bow down in worship).<sup>29</sup> Loyalty could mean belonging to kinship and in this context we should refer to the Quranic verse 33:6 (In God's Scripture, blood-relatives have a stronger claim than other believers and emigrants, though you may still bestow gifts on your protégé)<sup>30</sup>, and the Quranic verse 19:5 (I fear [what] my kinsmen [will do] when I am gone, for my wife is barren, so grant me a successor—a gift from You)<sup>31</sup>. Loyalty could be formed by the bond of oath and emancipation from slavery as in the Quranic verse 33:5 (—if you do not know who

their fathers are [they are your] ‘brothers-in-religion’ and protégés)<sup>32</sup>... There is a system of loyalties in Islam, indicated by a group of verses and hadiths of the Prophet, which encourage the development of virtues, whatever their source, and condemn vices, aggression, and tyranny.<sup>33</sup>

In this text, ‘Abdallāh b. Bayya both restates and expands upon the idea of displaying many loyalties. As a traditionalist scholar, he illustrates the polysemy of the term "*walā*" in Islamic authoritative sources and demonstrates the range of contexts and usages of loyalty in Islamic ethics. As noted by Marina Rustow, *walā*, *wilāya*, *muwālāt* (الولاء، الولاية، الموالاته)-loyalty in medieval Islamic political thought indicated that Allah Almighty, friends, allies, sponsors, clients, rulers, political and religious organizations, could all be considered objects of allegiance.<sup>34</sup> By revealing the various meanings of loyalty found in Islamic authoritative writings, he would be able to convince two audiences who have doubts about Muslim allegiance to non-Muslim regimes: 1. Extremist Muslims who would find it difficult to refute this argument in favour of various loyalties by arguing that allegiance ought to be based on one’s Muslim identity or religious beliefs only. In this way, he uses verses from the Holy Qur’ān to support his assertion, presumably in response to radical Muslims who would question him about it or use a single verse out of context. 2. The second group of people is intended for regular Muslims who are unsure about how to balance their religious allegiance with their other commitments. Many of them were afraid that obtaining European citizenship would go against their Islamic affiliations because they had been taught by Salafi preachers in Europe for a long time that the only valid loyalty that was acceptable was to Islam. Therefore, his remarks should absolve Muslims who believe they have de facto numerous allegiances to their families, ethnic groups, religions, and home countries and feel obligated to support all of them simultaneously.

‘Abdallāh b. Bayya also expands here on the rationale behind Muslims’ allegiance to non-Muslims. Beyond religion, loyalty is a virtue, and betrayal is a vice that is condemned along with other vices. This moral reasoning presents a sensible defense of Muslim loyalties, arguing that Muslims are urged to observe moral standards in addition to Islamic law (even if the latter can frequently be interpreted as ethical guidelines). Loyalty to one’s home nation is, in fact, a necessary quality of virtue; moral coherence is essential in this situation, as religious allegiance and patriotism are related. ‘Abdallāh b. Bayya thus shifts the focus of the discussion to a universal moral framework that holds that both Muslims and non-Muslims share a moral code of virtue that

governs plural societies. Yet, the relationship between loyalty to religion and to a nation is complex as Bin Bayya puts it:

Loyalty can be considered as circles and ranks, and they can communicate and interact instead of clashing and fighting. Loyalty to religion is a given for every Muslim, and indeed for every religious person, and it is the highest peak of the pyramid of loyalties. It does not exclude loyalty to the homeland in the concept of citizenship that we referred to, as it is not incompatible with loyalty to religion as long as the citizenship contract does not include a departure from the religion, abandonment of rituals, or a restriction on a Muslim's freedom to live his faith. The relationship between the citizenship contract and religion can be visualized in areas including what is legally required and of course desirable, such as the right to life, justice, equality, freedoms, protection of property, prevention of arbitrary imprisonment and torture, the right to social security for the poor, the elderly, and the sick, cooperation between members of society for the public good, and the duties that result from it, such as paying taxes and defense on behalf of the homeland against aggression and compliance with the laws in fulfillment of the citizenship contract, and this in reality is included in fulfilling the covenant and respecting its requirements, and this is included in loyalty to the religion (O you who have believed, fulfill [all] contracts).<sup>35</sup>

Herein, the concepts of coexistence, diversity, and hierarchy of loyalty are reaffirmed by 'Abdallāh b. Bayya. Even though religious commitment is the highest kind of loyalty, it can coexist with citizenship and loyalty to one's country for two reasons. On the one hand, a contract that clearly outlines the rights and obligations of Muslim citizens serves as the legal basis for citizenship. One thing, however, might make peaceful coexistence between loyalty to religion and to the homeland impossible: the contract of citizenship should not contain any clause that requires a Muslim to give up their religion, rites, or freedom of practice. In principle, there should be no issues at this point because every European citizenship contract guarantees the freedom of religion. On the other hand, religion and citizenship can coexist ethically since Islamic ethics upholds many of the fundamental human rights that modern constitutions promote, such as the right to life and the pursuit of justice. Modern constitutions and Islamic ethics both strike a balance between these rights and the responsibilities that citizens have to their country of origin (homeland security for example). Then, Muslims should understand that, in order to completely implement Islamic ethics and the requirement of respecting agreements and contracts, they must demonstrate political loyalty to

their home countries. ‘Abdallāh b. Bayya concludes his statement as follows:

Loyalty to Islam is not a hanging, exclusionary wall that bans every worldly relationship with people that does not deny the foundation of faith with imperfection and does not mix love with hatred or submissiveness and obedience with rejection of Islam. Rather, a Muslim should deal with people in order to bring benefits and ward off harm, and should exchange friendly feelings with them, and deal with them in accordance with the convention of ethics and good relationships with good words and beneficial deeds, in accordance with God’s saying in Quran 2:83: (Speak good words to all people)<sup>36</sup> and the Prophetic saying, as reported by al-Tirmidhī (behave with people with good morals)<sup>37</sup>. Friendships should be established, and covenants and deals should be concluded. All of this is approved by reason and accepted by the Prophet’s conduct.<sup>38</sup>

In the absence of religious persecution, ‘Abdallāh b. Bayya advocates for regular interactions with non-Muslims rather than separating Muslims from European societies. His text embodies the ethical turn in Islamic law in remarkable ways. He makes use of two sets of loyalty ethics. First, he endorses the ethics of virtue, which he has already mentioned, restating that a Muslim should act and speak in a way that is respectful of non-Muslims, as the Prophet (*Ṣal Allahu-‘alaihe wa sallam*) did. The ethics of friendship follow from ethics of virtue, which consist in having cordial interactions and preserving positive ties with non-Muslims. He thus supports an Aristotelian-Conservative theory of loyalty, which states that friendship and affection serve as the basis for loyalty.<sup>39</sup> As Fletcher puts it, “loyalties crystallize in common projects and shared life experiences” since friendship “rests on loyalty, requires an implicit understanding of continuity and reciprocal reliance, caring, relations and shared histories. And so, loyalty does not arise in the abstract but only in the context of particular relations”.<sup>40</sup>

On the other hand, the pursuit of the public interest, which calls for collaboration to bring about advantages and prevent harm to others, is another moral justification for maintaining positive ties with non-Muslims. The ethical stance used by ‘Abdallāh b. Bayya in his argument regarding loyalty to non-Muslims may offer a means of bridging the doctrinal gap—and corresponding differences in beliefs—that Salafism emphasizes between Muslims and non-Muslims. It might also be a means of evading Islamic legal regulations for behaviour in non-Muslim countries, which typically advise against

assimilating into society. By emphasizing values, ethics also help to reconcile the traditional Islamic concept of *walā'* (الولاء-loyalty) with the contemporary idea of citizenship.

## 6. When loyalties and affiliations conflict

The leading authority of the ECFR, Yūsuf al-Qaradāwī, produced the third legal statement on loyalty of Muslims in Europe in 2015. The ECFR republished it on their website in 2020. Yūsuf al-Qaradāwī was a well-known Egyptian Muslim Brotherhood figure and a prominent Sunni reformist scholar who resided in Qatar from 1960s until his passing in 2022. He was instrumental in the founding of the International Union of Muslim Scholars in 2004 and the European Council for *Fatwā* and Research in 1997, two organizations he oversaw and influenced for many years. His authoritative writings on almsgiving, moderation, the greater purposes of *sharī'ah*, and the jurisprudence of minorities enhanced Islamic ethics and law. He was the most well-known and prominent Sunni theologian between the early 1990s and his death in 2022, thanks to his prolific writings<sup>41</sup> as well as his shows on *Aljazeera*.<sup>42</sup>

In fact, a person does not have a single affiliation. A person's affiliations may be multiple for different considerations, and we do not find any contradiction between them. A person belongs to his family, to his village, to his region, to his country or homeland, to his continent, to his religion, to his community (that is the ummah, the largest community which is founded on religion), and he belongs to the human family. Which of these loyalties and affiliations has priority over others? I mean: If loyalty to the country and loyalty to religion conflict, which of them should we prioritize, and which one should we sacrifice? the way we see things in this case is that in the event of a conflict between religion and the homeland, religion takes precedence, because the homeland has an alternative, and religion has no alternative. This is why we saw the Holy Messenger (*Ṣal Allah-u-'alaihe wa sallam*) and his *Companions* when religion and homeland conflicted, they emigrated for the sake of Allah Almighty and sacrificed the homeland that did not tolerate their faith, persecuted their mission, and tempted them in their religion. As Allah Almighty said in the Holy Qur'ān 22:40: “ ‘those who have been driven unjustly from their homes only for saying, ‘Our Lord is Allah.’ ”<sup>43</sup>. And Allah Almighty said in the Holy Qur'ān 59:8: “ ‘The poor emigrants who were driven from their homes and possessions, who seek Allah's favour and approval, those who help Allah and His Messenger— these are the ones who are true— [shall have a share].’ ”<sup>44</sup> The Holy Qur'ān

has made it clear in decisive detail: The religion of a Muslim is dearer to him and more beloved to him than everything else, which people cherish and are keen on.<sup>45</sup>

Al-Qaraḍāwī begins his argument by highlighting the various identities and allegiances that a Muslim in Europe may have, listing a person's connections, ranging from family to human brotherhood. This concept appears to be a recurring theme in Islamic discourses on loyalty throughout Europe, especially in the discourse of the ECFR. Additionally, he asserts that the diversity of loyalties does not, in theory, imply that one loyalty could contradict another. This is also a continuation of the compatibility thesis that was initially stated in ECFR resolution 62 (2/16). Al-Qaraḍāwī's reference to humanity as an identity and loyalty, which raises the question of moral duties to European societies beyond the division between Muslims and non-Muslims, may be the novel aspect in this legal reasoning.

What is noteworthy in al-Qaraḍāwī's statement on loyalty, though, was the likelihood of a clash between these allegiances, particularly in cases when religious and national allegiances collide. Regarding this possibility, he is quite explicit in claiming that religion wins out in times of strife since one cannot change religion while it is possible to change the country of residence. Muslims should migrate and leave their country if it does not accept the Muslim faith, persecutes Muslims who call to Islam, and tempts them in their religion. In this instance, affection for Islam surpasses all other forms of affection. Thus, he compared the oppression of Muslims in a European nation to that of Mecca under Quraysh rule, using the Prophet's authority and verses from the Holy Qur'ān to justify emigration.

It is debatable whether a nation in modern-day Europe could persecute Muslims due to their religious beliefs. The question is essentially moot because European nations uphold the secular norms of freedom of religion and are generally better societies for religious freedom than many Muslim societies, despite the fact that some restrictions on headscarf wear and various forms of securitization of Islam do exist. It is also debatable whether it is easier to change a country than a religion. Families, places of employment, and moral commitments are inherent to being a national and constitute a person's fundamental identity. A person who emigrates into the modern world of nation-states would become more vulnerable to racism and prejudice as a result of leaving their country of origin.

Arguably, ideas of religion and nation have changed since the Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) left Mecca for Medina in 622. In Mecca, the Prophet (*Ṣal Allah-u-‘alaihe wa sallam*) and the early Muslims faced more than just a danger to their faith—they also faced the possibility of death. Also, it was simpler to relocate in the 7<sup>th</sup> century due to the tribal aspect of life in Arabia, provided that one could gain from alliances and tribal ties outside of their birthplace. The rights and obligations of a Muslim born in Mecca in the early days of Islam are essentially different from those of a Muslim born in Europe today. It is also important to note that early Muslims’ religion included a way of living both publicly and privately as Muslims, governed by Islamic law virtually everywhere. Such a scenario would probably not arise in secular European political systems, and Muslims, as European citizens, also generally accept that European positive laws, not Islamic public law, govern public affairs in Europe.

Al-Qaraḍāwī published two books in which he elaborated on the ethics of Islamic state. First in his book *Min fiqh al-dawla fī al-islām* (1997) he asserts that “Islam’s state is a state of belief, ideas, and a clear path; it is not only a security institution which could preserve the *ummah* from external and internal attacks. Its function is much deeper and more encompassing than that. It is *to instruct and educate people about the teachings and the principles of Islam, and prepare the positive environment to turn the beliefs of Islam, its ideas and teachings into a concrete practical reality, and be the example for anyone who searches for guidance*”.<sup>46</sup> Then, he adds that “Islam’s state is a state of principles and morality; it commits itself to this goal, inside and outside its territory, with its friends and enemies, in peace and war, does not deal with double standards, and is not Machiavellian”.<sup>47</sup>

In *Akhlāq al-islām* (2017), al-Qaraḍāwī argues that a set of Islamic values should frame the functions of the state, especially knowledge, virtuous action, freedom, *shūrā*, honesty and justice. For him, the Muslim state is a moral state.<sup>48</sup> The latter has the moral obligation to embrace science and knowledge, the most virtuous action possible (implementing the higher objectives of Islamic law on earth, which are worshipping Allah Almighty, vice-regency, and building civilisations, doing the good, and pursuing excellence in his actions).<sup>49</sup> The Islamic moral state should also guarantee freedom for its citizens so that man is relieved from all oppression (being sovereign on earth and servant only to God), protecting religious, intellectual, political, and civil freedoms.<sup>50</sup>

This state should also respect the principle of *shūrā* (consultation): the ruler should consult the community, and the community should advise the ruler while both the rulers and the ruled should command the right and forbid the wrong. Al-Qaraḏāwī believes the basis of accepting political leadership in Islam is consent and allegiance by choice.<sup>51</sup> The moral state should also make sure trusts are rendered to their owners, corruption and treachery are forbidden, jobs are offered according to competence, social justice be prevailing so much so that rights are fulfilled and poverty is eliminated.<sup>52</sup>

Al-Qaraḏāwī's approach of Muslim loyalty in non-Muslim countries also ethicizes *fiqh* to a certain extent. Here, he presents the idea of human brotherhood and loyalty to humanity as a form of loyalty, which is essentially an ethical assertion unsupported by *fiqh*. However, he also argues for leaving countries that mistreat Muslims and carefully examines the dilemma of conflicting loyalties, particularly between religion and homeland.

Indeed, this complies with traditional Islamic law. However, in theory, such circumstances are uncommon in Europe, and al-Qaraḏāwī does not urge persecuted Muslims to relocate to Muslim countries. His concern is that Muslims will not be free to practice their religion, and, therefore, his legal reasoning implicitly incorporates the concept of human rights.

## **7. Discussion: Resources and limits of the ECFR's discourse on loyalty**

Our goal in this section is to critically examine the ramifications of the ECFR's discourse on loyalty, highlighting both its resources and limits for European societies. It is unreasonable to interpret the previously studied discourses of the ECFR as advocating for a liberal position or for cautious allegiance to non-Muslim states. Instead, we ought to regard these discourses as a realist political perspective on loyalty within a coherent ethics that sees all loyalties as multiple, hierarchical, and complementary.

### **7.1 Multiple loyalties**

The ECFR jurists consistently argue that Muslims, like everyone else, commit to multiple loyalties. If we adopt John Kleinig's definition of loyalty as "intrinsically valued associational attachments,"<sup>53</sup> then a Muslim expresses loyalty to a variety of associations (of natural or conventional nature), including families,

friendships, organizations, professions, nations, and religions, rather than just one type of loyalty. The reason for this is that we are typically most loyal to and evoked by associations with which we have a strong sense of identification or involvement. In the lives of the majority of Muslims, loyalty to family, ethnic community, and religion is a solid reality as most Muslims have formed a strong feeling of identification or involvement with these associational attachments. Hence, the fundamental identity of a Muslim is formed by their ties to their family, friends, and community of origin, as well as Islam, which has sufficiently influenced the social and cultural development of the majority of Muslims in Europe.

Seemingly, the ECFR jurists aim to oppose two discourses by endorsing the notion of multiple loyalties: 1. The Salafi discourse which emphasizes Muslims' unique identity and duty to Islam as followers of Islam and exclusively members of the Muslim community. 2. The Islamophobic discourse which maintains that Muslims can only be devoted to their faith and not to their home country (in Europe). The basis of these fallacious discourses is a belief in a monolithic loyalty that is sociologically unrealistic for both Muslims and non-Muslims.

## 7.2 Compatibilism and context

As we have seen, the three legal statements on Muslim loyalty in Europe issued by the ECFR in 2006, 2007, and 2015 largely adopted the position that nation-states and religious loyalty can coexist in Europe. Since the foundation of the ECFR in 1997, Muslim reformists who control this body of jurists have been working to modify Islamic law and ethics to reflect the new circumstances that Muslims in Europe now confront. As media and politicians suspected Muslims in most Western countries after every terrorist attack Muslim jurists had to adjust. Thus, the ECFR jurists addressed, on the one side, a context that entailed a shift in the ethical and societal framework in which Muslims live in Europe (different as it is from Muslim contexts) and, on the other side, tensions raised by terrorism and Islamophobia.

The ECFR promotes *fiqh al-aqalliyyāt* (فقه الأقليات) the jurisprudence of Muslim minorities), a set of norms that relax Islamic law due to the particular circumstances of Muslims in Europe, in response to changes in the political and ethical environment of living Islam in European societies. The socio-economic context that Muslims face as minorities in Europe has also been considered by the ECFR. Furthermore, it has considered the necessity of keeping state and

religious affairs separated in line with the secular nature of European states. It is possible to characterize all of the ECFR's nearly twenty-seven-year history as an attempt to adapt to secular Europe, make Islamic law and ethics consistent with European economies, and uphold family values.

Since 2001, the securitization of Muslim immigrants in Europe and North America has been a significant obstacle to this adaptation attempt. Generally speaking, Muslim citizens in Europe have been placed under suspicion of being disloyal and prone to inciting and aiding Islamist terrorism.<sup>54</sup> European policies and discourses on preventing terrorism have also portrayed Muslims as a threat because they tend to value their religious culture over that of the majority society, singling out Muslims as suspects, and designating them a "suspect community," as a result of the media, public, and political debates.<sup>55</sup> Salafi discourses on disloyalty and loyalty, which argue that Muslim allegiances to their citizenship and religion are irreconcilable and cannot be sustained, have been generated by preachers and theologians in Europe and the Middle East, justifying even further suspicion discourses. Hence, securitization was encouraged by some European governments as well as a small number of radical Muslims who did not perceive securitization as a barrier to the evolution and adaptation of Muslims in Europe, nor as a means of their exclusion from European politics and society.

Contrary to discourses produced in 2006 and 2007, the viewpoint of al-Qaraḍāwī, the most recent discourse on loyalty produced by the ECFR in 2015 and republished on its website in 2020, has a certain amount of realism to it. In addition to reiterating the compatibility and complementarity theses, al-Qaraḍāwī delves deeply into the topic of conflicts between loyalties.

His emphasis on allegiance to Islam highlights his worry about the European milieu that has changed over the past 10 years. The securitization of Islam and Muslims has caused societal division and sparked policies that, in the eyes of European Muslims, are discriminatory or Islamophobic, trapping them in a state of poverty and marginalization. In the past 20 years, Islamist terrorist groups have also taken advantage of the resentment and anger that some Muslim youth feel in order to drive them away from European countries and fuel additional conflict.

### 7.3 The Impact of the ECFR's *fatwās*

One of the issues that can be raised in connection with the ECFR's *fatwās* on political loyalty is how they might affect Muslims and non-Muslims alike, and what advantages or disadvantages they might have. Unfortunately, the only way to obtain such data is through qualitative research using questionnaires and interviews with a sizable sample of participants in European countries. However, there are some scholarly literature elements and field observations were made that help to formulate the impact question. First off, a sizable portion of the religious scholars who make up the ECFR come from the UK and France. These religious leaders are drawn from the most well-known and authoritative mosques and associations in their respective countries.

A study conducted in Dortmund, Germany by Uriya Shavit and Fabian Spengler on the local influence of the ECFR *fatwās* comes to the conclusion that the ECFR lacks the organizational and financial means to effectively disseminate its discourse and that very few people are aware of its presence. Furthermore, the majority of Muslims in the Dortmund Muslim communities do not adhere to a reform-oriented understanding of Islamic law and the kind of cohesive discourse advocated by the ECFR, favouring the authority of *imāms* who have similar ethnic, religious, and national backgrounds as the immigrant communities themselves.<sup>56</sup> Without investigating the other local communities in Europe, this finding cannot be applied generally.

My own research on Sunni authority in Belgium suggests that there is disagreement over the ECFR's bold *ijtihad*. The top body of religious experts in Belgium, the Council of Theologians, challenges the ECFR's authority. The Council is mostly presided over by Moroccan religious scholars who adhere to a conservative Mālikī interpretation of Islamic law. However, Al-Khalil Mosque, one of the most significant mosques in Brussels, adheres to the ECFR's *fatwās*, but the majority of the city's mosques (roughly seventy) favour Salafī interpretations or *imāms* of traditional *madhhabs* (Mālikī or Ḥanafī schools), depending on whether the immigrants are from Morocco, Turkey or Pakistan.<sup>57</sup> It is challenging to assert that the ECFR has a broad influence in Europe due to the disarray of Sunni leadership, the fragmentation of authority and knowledge production.<sup>58</sup>

#### **7.4 The ethical turn in Islamic law**

The ECFR has consistently applied an ethical argumentation to encourage Muslim allegiance to European states. This ethical reasoning centers on arguments based on public interest and the maintenance of the higher goals of Islamic law, as well as virtue ethics (loyalty is a universal value that a Muslim should uphold). What is meant by this ethical turn is not that the *fiqh* acquired an ethical component, for it always had such a component since *fiqh* as a normative-prohibitive discourse is ethical and deals with obligatory, forbidden, recommended, permitted, and reprimanded categories of acts. The ethical turn in question is the emphasis put by Muslim jurists on reasoning by the higher objectives of Islamic law rather than on specific rulings. This ethical turn in *fiqh* is undoubtedly not a monolith of the ECFR since it aligns with a tendency in Islamic law across the Muslim world that has shifted the emphasis from the jurisprudence of texts (*fiqh al-nuṣūṣ*) to the jurisprudence of purposes (*fiqh al-maqāṣid*). Muslim jurists are increasingly attempting to connect the specifics of jurisprudence with its theoretical underpinnings and the objectives of Islamic norms, as well as to interpret Islamic rulings within diverse ethical discourses and historical contexts.<sup>59</sup> Only in the past ten years have scholars started to discuss the ethical turn or the ethical thesis in Islamic law.<sup>60</sup> However, since the 1990s, Muslim jurists have been working steadily and extensively to incorporate *maqāṣid* into *fatwās* and Islamic rulings. To highlight a single facet of this ethical shift, *fiqh al-maqāṣid* has broadened from the *fatwās* on personal and familial issues to questions of politics and bioethics. Al-Qaradāwī and his school of thought were significant in the development of this *fiqh al-maqāṣid*, which may explain why this school of thought, including the ECFR, have initiated the minority *fiqh* and other ethical discourses on Islamic law in the West, to bring the Western secular modernity into harmony with the Islamic way of life.<sup>61</sup>

#### **Conclusion**

The analysis of the European Council for Fatwā and Research's legal discourses on Muslim allegiances in Europe demonstrates commitment to the concepts of multiple loyalties, as well as the compatibility and complementarity of political citizenship and religious loyalty to Islam. The study does, however, also show awareness of the backdrop of Islam's securitization and the hierarchy of allegiance, which places religion above loyalty to the homeland in cases of conflict. The ECFR's legal discourse endorses an Islamic ethical engagement with loyalty as respect for contracts and duties

rather than a belief in liberal citizenship's authoritativeness. Overall, rather than echoing rigid rulings of traditionalist *fiqh*, the ECFR's *fatwās* make an ethical turn in Islamic law and take into account virtues, the public interest, human rights, and higher purposes of law as a frame of their legal decisions.

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<sup>10</sup> "About us", The European Council for Fatwa and Research, accessed May 27, 2024, [www.e-cfr.org/en/about-us/](http://www.e-cfr.org/en/about-us/)

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<sup>21</sup> Shavit, “The European Council for Fatwa and Research”, 348.

<sup>22</sup> Felicitas Opwis, “The Ethical Turn in Legal Analogy Imbuing the Ratio Legis with Maṣlaḥa .” *Journal of Arabic and Islamic Studies* 21, no. 1 ( 2021): 159-182; Sandra Houot, “ De la “jurisprudence des minorités” et de ses déclinaisons : comment le Conseil européen de la fatwâ et des recherches forge une éthique relationnelle .” *Archives de sciences sociales des religions* 179, no. 2 (2017): 281-298.

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<sup>24</sup> Andrew F. March, “Are Secularism and Neutrality Attractive to Religious Minorities? Islamic Discussions of Western Secularism in the 'Jurisprudence of Muslim Minorities' (Fiqh al-Aqalliyat Discourse).” *Cardozo Law Review* 30, no. 6 (2009), 2845.

<sup>25</sup> “al-Bayān al-khitāmī li-l-dawra al-sābi‘a ‘ashra”, The European Council for Fatwa and Research, accessed May 27, 2024, [www.e-cfr.org/blog/2007/05/19/٢-١٧-البيان-الختامي/](http://www.e-cfr.org/blog/2007/05/19/٢-١٧-البيان-الختامي/)

<sup>26</sup> “al-Bayān al-khitāmī”.

<sup>27</sup> A thorough study of Bin Bayya’s scholarly profile, discourse and activities can be read in:

David H. Warren, *Rivals in the Gulf Yusuf al-Qaradawi, Abdullah Bin Bayyah, and the Qatar-UAE Contest Over the Arab Spring and the Gulf Crisis* (Abingdon: Routledge, 2021), 1-15.

<sup>28</sup> Usaama Al-Azami, “‘Abdullāh bin Bayyah and the Arab Revolutions: Counter- Revolutionary Neo- Traditionalism’s Ideological Struggle against Islamism.” *The Muslim World* 109, no. 3 (2019): 343–361.

<sup>29</sup> Verse 55 of Chapter 5 (the Feast) as translated by Muhammad A. S. Abdel Haleem:

*The Qur’an, A New Translation* by Muhammad A. S. Abdel Haleem (Oxford: Oxford University Press, 2004), 73.

<sup>30</sup> Verse 6 of Chapter 33 (The Joint Forces) as translated by Muhammad A. S. Abdel Haleem:

*The Qur’an*, 266.

<sup>31</sup> Verse 5 of Chapter 19 (Mary) as translated by Muhammad A. S. Abdel Haleem:

*The Qur’an*, 191.

<sup>32</sup> Verse 4 of Chapter 33 (The Joint Forces) as translated by Muhammad A. S. Abdel Haleem:

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<sup>34</sup> Marina Rustow, “Loyalty.” In *The Princeton Encyclopedia of Islamic Political Thought*, ed. Gerhard Böwering *et al.* (Princeton: Princeton University Press, 2013), 318.

see also the distinction between acquired loyalties (oaths, contracts, etc.) and loyalties of category (class, ethnic identity, etc.) in:

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<sup>35</sup> Bin Bayya, “*al-Walā’*”.

<sup>36</sup> Verse 83 of Chapter 2 (The Cow) as translated by Muhammad A. S. Abdel Haleem:

*The Qur’an*, 11.

<sup>37</sup> Abū ‘Īsā al-Tirmidhī, *al-Jāmi‘ al-kabīr*, edited by Bashshār ‘Awwād Ma‘rūf (Beirut: Dār al-Gharb al-Islāmī, 1996), 1987.

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<sup>39</sup> George P. Fletcher, *Loyalty: An Essay on the Morality of Relationships* (New York: Oxford University Press, 1993), 6.

<sup>40</sup> Fletcher, *Loyalty*, 7.

<sup>41</sup> The edition of his complete works is composed of 105 volumes. See:

[www.al-qaradawi.net/content/](http://www.al-qaradawi.net/content/) - موسوعة الأعمال - الكاملة للقرضاوي - عمل - ضخم - وعالم - متفرد (last modified May 27, 2024)

<sup>42</sup> Brigitte Maréchal, *Les Frères musulmans en Europe: Racines et discours* (Paris: Presses Universitaires de France, 2009); Bettina Gräf and Jakob Skovgaard-Petersen, eds. *Global Mufti: The Phenomenon of Yusuf Al-Qaradawi* (New York: Columbia University Press, 2009); Lena Larsen, *How Muftis Think. Manufacturing Fatwas for Muslim Women in Western Europe* (Leiden: Brill, 2018); Ron Shaham, *Rethinking Islamic Legal Modernism: The Teaching of Yusuf al-Qaradawi* (Leiden and Boston: Brill, 2018) ; David H. Warren, *Rivals in the Gulf: Yusuf Al-Qaradawi, Abdullah Bin Bayyah, and the Qatar-UAE Contest over the Arab Spring and the Gulf Crisis* ( Abingdon: Routledge, 2021), Usaama al-Azami, *Islam and the Arab Revolutions: The Ulama Between Democracy and Autocracy* ( London: Hurst & Company, 2023).

<sup>43</sup> Verse 40 of Chapter 22 (The Pilgrimage) as translated by Muhammad A. S. Abdel Haleem:

*The Qur'an*, 212.

<sup>44</sup> Verse 8 of Chapter 59 (The Gathering [of Forces]) as translated by Muhammad A. S. Abdel Haleem:

*The Qur'an*, 366.

<sup>45</sup> “*Fiqh al-‘aysh al-mushtarak: al--muwātana namūdhajan*”, The European Council for Fatwa and Research, accessed May 27, 2024, [www.e-cfr.org/blog/2020/11/24/فقه-العيش-المشترك-المواطن-نموذجاً](http://www.e-cfr.org/blog/2020/11/24/فقه-العيش-المشترك-المواطن-نموذجاً)

<sup>46</sup> Yūsuf al-Qaradāwī, *Min fiqh al-dawla fī al-islām* (Cairo: Dār al-Shurūq, 1997), 20.

<sup>47</sup> al-Qaradāwī, *Min fiqh al-dawla fī al-islām*, 50.

<sup>48</sup> Yūsuf al-Qaradāwī, *Akhlāq al-islām* (Cairo: Dār al-Mashriq, 2017), 597.

<sup>49</sup> al-Qaradāwī, *Akhlāq al-islām*, 597–604.

<sup>50</sup> al-Qaradāwī, *Akhlāq al-islām*, 604–609.

<sup>51</sup> al-Qaradāwī, *Akhlāq al-islām*, 609–618.

<sup>52</sup> al-Qaradāwī, *Akhlāq al-islām*. 619–632.

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<sup>59</sup> Mutaz al-Khatib, “Ethics and Religion.” In *International Handbook of Practical Theology*, ed. Birgit Weyel, Wilhelm Gräb, Emmanuel Lartey and Cas Wepener (Berlin: De Gruyter, 2022), 111.

<sup>60</sup> Ebrahim Moosa, “On Reading Shāṭībī in Rabat and Tunis.” *The Muslim World* 104, no. 4 (2014): 451-464; Abdessamad Belhaj, *The Ethical Thesis: Practical Reason in Islamic Legal Hermeneutics* (Piliscsaba: The Avicenna Institute of Middle Eastern Studies, 2015); Felicitas Opwis, “The Ethical Turn in Legal Analogy Imbuing the Ratio Legis with Maṣlaḥa.” *Journal of Arabic and Islamic Studies* 21, no. 1 (2021): 159-182.

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