

Themed Section

Global Islam in Europe between Tension and Change

Guest-edited by

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Introduction

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The study of the Muslim presence in Europe has been approached from various disciplines, with a vast bibliography available.¹ However, there is still room for new contributions to provide different perspectives on the phenomena. This themed section offers a new approach to the study of the Muslim presence in Europe, resulting from several years of reflection. The discussion began in 2020 with Green’s book “Global Islam” and its approach to the study of contemporary Islam. The themed section discusses the impact of global processes on the development of Islam in Europe and vice versa. We also explore how Muslim minorities can generate change and trigger shifts in non-Muslim majority societies.

The connections between events, places, movements, and people are the starting point of the approach. These connections are the result of a global system that has progressively connected the world. Though connections and global trends can be traced throughout human history, historical developments and technological innovations have enabled ever-growing systemic integration over the last two centuries. It is with these connections in mind that the Islamic presence in Europe has been analysed in a global context. The aim is to understand how contemporary Islamic history has been influenced by this network of connections, rather than simply to examine the global spread of Islam. In other words, how worldwide exchanges of people, ideas and goods affect the development of religious practices and ideas.

Furthermore, this approach considers the role of Muslim communities in shaping the network of connections. As stated by Green, global Islam is “the result of attempts to reform, reject or occasionally recover such traditions in response to a century and a half of intense

¹ It is not the intention here to provide a literature review or to cite the most important works on the Islamic presence in Europe and the West. We only mention a few texts that have had a profound impact on the academic debate (and beyond) in times of significant change: ALLIEVI, Stefano & NIELSEN, Jørgen (eds). 2003. *Muslim Networks and Transnational Communities in and across Europe*. Leiden: Brill. CESARI, Jocelyne. 2008. “Islam in the West: From Immigration to Global Islam”. *Harvard Middle Eastern and Islamic Review*, 8: 148-175. MARÉCHAL, Brigitte; ALLIEVI, Stefano; DASSETTO, Felice; & NIELSEN, Jørgen (eds). 2003. *Muslims in the Enlarged Europe. Religion and Society*. Leiden: Brill. PETER, Frank & ORTEGA, Rafael (eds). 2014. *Islamic Movements of Europe. Public Religion and Islamophobia in the Modern World*. New York: Palgrave Macmillan. TOTTOLI, Roberto (ed). 2022. *Routledge Handbook of Islam in the West*. London: Routledge.

interaction with non-Muslim states, societies, ideas, and institutions” (GREEN 2020:131). This interaction has indeed intensified with European colonialism in Muslim-majority countries since the 19th century. However, in the last century, as a result of migration to Europe and North America, a large number of Muslim organisations were formed in the diaspora. It became a major driver of change in religious practices and ideas. Muslim activists and organisations in Europe, although a minority, are contributing to the development of global Islam by exploiting the multiple arrays of globalisation. For this reason, we have chosen to present five contributions that revolve around this action for change promoted by minorities in Europe. This does not mean, however, that our focus is limited to what is happening in Europe. In fact, minorities are mobilising resources brought into play by globalisation, such as the power of networks, communications, state policies or public debate, which enable different interpretations of Islam to overcome political and linguistic barriers.

Although the thematic section provides case studies from different contexts (Italy, Germany, Albania, and European Islamic organizations), what these examples have in common is the use of communication, the exchange of ideas, the movement of people and networking. The first paper examines the intersection between global Islam and local action. Based on participatory observation of the practice of Islamic worship and interviews with the leadership of Islamic centres in Naples, Italy, Nicola Di Mauro proposes a reflection on the production of social space. This social space under investigation becomes the site where a series of local and global processes operate to transform not only places, but also the relationships that take place within that space. Thus, the paper pays attention to *connections, relations, systemic integration on a global scale* (CONRAD 2016), and to the “shared use of the opportunities of globalization” (GREEN 2020, 18).

The interaction between different scales, such as national and international, is the subject of the second contribution in this section. Carlo De Angelo’s article looks at an event that had a global impact, namely the COVID 19 pandemic, in order to analyse the legal adaptation processes of the European Fatwa and Research Council to the case in question. In fact, the Council responded by issuing *fatāwā*, or legal opinions, to requests from Muslim communities for instructions on how to conduct collective prayers and funeral rites during the pandemic. By analysing the responses at the European level and those produced at the national level (Italy), De Angelo explores the relationship between the different scales and how the production of religious law is based on a network of mutually influential connections.

The European Council for Fatwa and Research is also the basis for the third contribution in this thematic section. Chiara Anna Cascino analyses the evolution of the concept of *da‘wa* in Islamic minority law. Although the call to religion has been a cornerstone of Islam since its inception, the interpretation of the concept has changed over the centuries, especially in contemporary times. The interpretation proposed by the Council in relation to the minority status of Muslims in Europe has influenced jurisprudence in the past twenty-five years. The aim is to look at the modern development of *da‘wa* as a multipurpose tool of ‘Global Islam’ that shapes the role Muslims play in Europe.

Moving from the interpretation of scholars at the European level to the change enacted by minorities at the national level, we come to the fourth article. Through an analysis of public discourse in Germany, Fabian Spengler takes a diachronic perspective on changes in the debate about the participation of Muslim pupils in school swimming lessons. The article

illustrates how the increasing integration of Muslims in Germany has led to demands for respect for religious-cultural difference by a minority among them. The development is also illustrated by court rulings on the issue. As agents of change, Muslims have triggered and contributed to a debate on rights and social development. In this sense, the proposed case study falls within the “analytical category that describes the particular forms of Islam promoted by religious actors who have operated across borders by means of the communicational possibilities of modern globalisation” (GREEN 2020: 6).

The actions of local Muslim communities are often interdependent with global processes, not only in terms of evolution, but also in terms of multilateral exchanges of knowledge, interpretations, and trends. Starting from this idea, Gianfranco Bria focused on Muslim communities that might not be considered minorities, or at least not the result of the above-mentioned migration towards Europe. The author analyses the processes of post-socialist reconstruction of Islam in Albania. These processes, carried out by local and international actors, have had various consequences, such as the pluralisation of the national Islamic arena. Based on extensive fieldwork, Bria aims to analyse the variety of opportunities, spaces and channels that allow different actors to implement a range of strategies—conflictual, competitive or cooperative—and the impact of these actions on public debate, Muslim practices and beliefs in Albania.

The choice to include papers using different methodologies and types of sources aims to best represent the complexity of the phenomena, which is difficult to grasp from a single analytical perspective. As curators, we hope that this themed section has provided an insight into the complexity of the phenomena and contributed to the debate on the Muslim presence in Europe.

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Global Islam and Local Action: Muslim Spatiality in Contemporary Napoli

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Abstract

In contemporary Napoli, Muslim spatiality is mainly located in the extended area of *piazza* Garibaldi. Seven Islamic places of worship, generally called mosques, stand there; in this area halal markets can be easily found; and it is there that Islamic forms of public life are mainly visible, including celebrations for the Islamic holidays. The aim of this paper is to shed light on the ways in which that social space (LEFEBVRE 1991) is produced, experienced, conceived, and imagined by the Muslim communities and the leadership of the Islamic centers. The local scale is embedded in global processes related to social, economic, and political change, and to religiously oriented action of transnational subjects, whether they are institutions, movements or individuals. Based on the theoretical frameworks of Global Islam and Global History, the discussion provides an analysis taking into account different scales. Therefore, the paper pays attention to *connections, relations, systemic integration on a global scale* (CONRAD 2016), and to the “shared use of the opportunities of globalization” (GREEN 2020, 18). This paper is based on fieldwork that is still ongoing as part of a broader research project. The fieldwork consists of participant observation—attending political-religious activities, Islamic holidays, worship and celebrations, public discussions, meetings, and initiatives—and in-depth interviews with the Muslim leadership of Neapolitan Islamic associations and members of the city’s government.

Key words: Contemporary Islam, Muslim Spatiality, Islam in Italy, Muslims in Naples, Global Islam in Southern Europe.

Introduction

There is no database for religious affiliation in Italy. Therefore, knowing the exact number of Muslims in the country and in Napoli (Naples) is challenging. Considering this premise and the calculation method used by statistical studies,¹ it can be said that there are

1 Statistics use the calculation method based on the residents’ nationality, which contains a clear margin of error due to the religious pluralism of the immigrant residents’ countries of origin, including Islamic majority ones, and to the growing number of Italian Muslim citizens (e.g. immigrants with acquired citizenship and their descendants, converts and their descendants). Even though some studies estimate the number of Muslims in Italy by counting Italian Muslims (CIOCCA 2018, 2023), here I prefer to use

approximately 15,000 non-citizen Muslims living in Napoli as of April 2023 (data provided by the City of Napoli) out of an overall 1.5 million non-citizen Muslims in Italy (CARITAS-MIGRANTES 2022). Additionally, there are Italian (citizen) Muslims and irregular Muslim immigrants who greatly increase the overall figure. It is a fact, however, that Muslims constitute one of the largest religious minorities as well as diverse and complex communities in terms of composition, organization, orientation, and relations.

In light of the above, data about territorial distribution cannot but be approximate. Furthermore, the most up-to-date statistics are broken down by municipalities (administrative units of the City) and not by districts.² Nonetheless, it is possible to pinpoint the districts where Muslims tend to live by combining existing data. These fall within the extended area of *piazza* (square) Garibaldi, also known as *Ferrovia* (literally “railway”) according to urban studies spatial classification (AMATO 2009; LAINO 2022a, 2022b; ABBAMONTE, ARENA, PACELLI 2022a, 2022b)—for in it lie the central railway and Napoli’s main transport hub. The extended area of *piazza* Garibaldi lies within the boundaries of the second and fourth municipalities. These include the San Lorenzo, Mercato, and Pendino districts. Data concerning immigrants’ territorial distribution provided by the City of Napoli in 2017 (COMUNE DI NAPOLI, SERVIZIO STATISTICA 2017) shows that Pakistanis and Bangladeshis, nearly all Muslims, make up two of the ten largest groups, and reside primarily in the San Lorenzo, Mercato, and Pendino districts. This trend seems to be confirmed by the latest data released by City of Napoli according to which 3,682 Pakistanis and 2,227 Bangladeshis (as of April 2023) reside in Napoli, while other dominant Muslim immigrants come from the Maghreb region (Algerians, Moroccans, and Tunisians make up a total of 2,239 – as of April 2023) and Senegal (1,295 as of April, 2023); the combination of this data and a 2019 report by IOM (International Organization for Migration) and Prefettura di Napoli indicates that most Algerians, Moroccans, Tunisians, and Senegalese live in the second and fourth municipalities, covering the extended area of *piazza* Garibaldi. Around it, where the borders of the San Lorenzo, Mercato, and Pendino districts meet, seven mosques stand (DI MAURO 2023).³

data provided by local and national statistical institutes. Besides, defining who is Muslim is controversial in terms of negotiated identities and belonging, especially in non-Islamic spaces/territories such as Europe. A huge academic literature exists about the topic that is beyond the scope of this paper; for the Italian case see ALLIEVI, GUOLO, RHAZZALI 2017; RICUCCI 2017, SALIH 2003.

- 2 Napoli demographic services have released detailed data about the territorial distribution of the largest non-citizen communities updated to 31st Dec. 2016. I had access to still non-released data updated to April 2023, broken down by municipalities and not by districts, and provided by demographic services and the welfare department of the City of Napoli at my request. In addition to the figures mentioned, I am also referring to a 2019 report by the International Organization for Migration (IOM) and the Prefettura di Napoli that examines migration in the city’s fourth municipality.
- 3 Muslims in Napoli are predominantly Sunnis, as well as their religious associations, the Islamic centers, and the places of worship mentioned in this paper.



Distribution of mosques in Napoli. Map produced by Emiliano Esposito based on data collected by the author.

Can the extended area of *piazza* Garibaldi be viewed as a social space recognizable as Islamic by Muslim communities? Is that space produced (LEFEBVRE 1991) in religious terms as well? In other words, I shall try to discuss how the extended area of *piazza* Garibaldi is experienced by Muslim communities, how it is conceived through the lens of the religious perspective along with the subjects (institutions, movements, individuals etc.) relatable to Global Islam, and what impact the latter have had on the production of space and the religiously oriented action at the local scale.

I shall try to answer these questions in the following pages by considering Muslim subjectivity, notwithstanding its diversity, as an important vector of organization and transformation: it does not merely set up Islamic spaces devoted to worship; it produces the social space (LEFEBVRE 1991) along with other subjects in a context of uneven and mobile relations (FOUCAULT 1978) and by adapting to a changing context (AMATO 2017, DI MAURO 2023).

To this purpose, the first paragraph provides the theoretical and methodological framework. The second paragraph will discuss the Muslim spatiality in Napoli, namely the extended area of *piazza* Garibaldi, and the positioning of a segment of the Muslim leadership concerning it. Finally, in the conclusion, I will try to summarize the first data arising from fieldwork, which is still ongoing as part of a broader research project.⁴

⁴ This paper is one of the outcomes of the ongoing research project entitled “Islam and Muslims in

At the Intersection of Subjects and Scales

According to Green, “Rather than producing a single unified Islam, globalization has enabled an incrementally increasing range of religious actors to distribute widely divergent programs of how the world’s Muslims should conduct their personal, social, and sometimes political lives. What the many contrasting contributors to global Islam have in common is not a standard set of beliefs or practices, but their shared use of the opportunities of globalization” (GREEN 2020: 18).

What are the elements that define Islam as “global”? Considering the Global History debate, we can add *connections, relations, and systemic integration on a global scale* (CONRAD 2016) to the “shared use of the opportunities of globalization”.

Two specific elements of Muslim communities in non-Islamic space (specifically in Napoli) help gain a better understanding of the multi-scale dimension of complex processes: 1. the composition of communities and political-religious leadership; 2. the alleged oneness and the space-time continuum of the *umma*⁵ (PELLITTERI 2008; CESARI 2008).

Muslims in Napoli are mostly immigrants permanently settled in the city, with long-term residence, or in transit. Compositions as such highlight the *connections* between different spatialities, just as they do in all migration cases—it is no coincidence that several studies of Global History deal with migration (CONRAD 2016). Similarly, even though the *umma* is well-known for its plurality, its alleged oneness and space-time continuum play an important role in Islamic thought, law, and action; this enables an easier grasp of the *systemic integration* processes. According to Cesari:

As far as their connections to Muslims in the West, global trends in Islam can be loosely divided into two types. The first can be termed diasporic, insofar as it is characterized by ties between immigrant communities and their countries of origin. In this case, either official state organs or specific religious agents from the country of origin provide religious interpretations for these diaspora communities, disseminating nationalized versions of Islam throughout the West [...]. The second trend in the propagation of Islamic thought consists of theological and political movements such as the Muslim Brotherhood, the Jamaat Tabligh, or the Wahabis, which emphasize a universal link to the community of believers (*umma*) instead of national communities. Today, conditions for the free movement of people and ideas and the decline of national ideologies make the *umma* even more compelling as an identity marker. Although the diversification of interpretation tends to lead to a proliferation of independent sects in religions such as Protestantism, the unity of the *umma* is generally successfully maintained as an imagined and constantly renewed community founded on a shared fate (CESARI 2008: 166-167).

Now the question is: is it possible to carry out research on a local scale aiming to analyze global processes (e.g., Global Islam processes)? According to Conrad, “Far more common,

Contemporary Naples”, directed by Prof. Carlo De Angelo, and conducted on behalf of the Asian, African and Mediterranean Studies Department of the University of Naples “L’Orientale”.

5 *Umma* is the Arabic noun for the Muslim community.

and in many cases also more rewarding, are studies that analyze one concrete subject in its spatial and social specificity, and at the same time position it in global contexts. The most fascinating questions are often those that arise at the intersection between global processes and their local manifestations” (CONRAD 2016: 129). So the answer to that question would be yes, it is indeed possible, and, as Kong states in her reflection directed at geographers, it is preferable to shift the analysis between different scales: “geographers might well be nudged to consider how the politics of mosque building, or conflicts arising from secular representations of religious community, or modifications to spaces of worship—as micro-geographies and micropolitics—contribute to an understanding of the more macro-scale conflicts in the world. Similarly, in analysing and seeking an understanding of these macro-scale geopolitical tensions, insights may be drawn from careful analyses of the everyday microscale” (KONG 2010: 763).

The analysis of *one concrete subject in its spatial and social specificity* also uncovers specific processes or positionings that need to be taken into account alongside the local manifestations of global processes. Besides the *connections* on different scales (local, regional, national, transnational, and global), and the uneven *relations* between different subjects (social, political, religious, and institutional) that produce the social space, Islamic associations in Napoli seem to enjoy a certain degree of autonomy with respect to *systemic integration* processes regarding Global Islam. In this respect, the *histoire croisée* approach (WERNER & ZIMMERMANN 2006) appears to be heuristically useful: paying attention to the historical dimension of the subjects and of the intersection among them, rather than the synchronic aspects, allows us to identify specificities that would otherwise go undetected. By considering the historical dimension of the intersections between subjects and scales, the aim is to combine the analysis of global processes with specific dynamics of interaction.

As stated above, seven mosques stand in the extended area of *piazza Garibaldi*. ‘Mosque’ is the generic noun for different places of worship. According to Allievi, it might be said that there are four “ethnic *musallas*”⁶ out of seven mosques in Napoli. The other three are Islamic centers with a strong inter-ethnic character.

By Islamic center we mean a center of significant size, which has, in addition to the function of prayer and worship, a number of social and cultural functions through various forms of gathering (a Koranic school, courses and opportunities for adults, women and converts to meet; conferences and other educational and cultural activities), usually conducted in rooms separate from the prayer hall itself. Such a center also carries out the activities of institutional and symbolic representation of Muslims. Islamic centers are a small but important part of what we call mosques. [...] Not infrequently they perform a centralizing function of representation at a provincial

6 *Muṣallā* [pl. *muṣallāyāt*] is the Arabic noun for the space used for the prayer. According to Allievi “They may only serve to host the activity of prayer, but more often than not other activities are also performed there (eg Koranic schools and other educational events). Within this category we also find ‘ethnic’ *musallas*, which are attended only by members of one ethnic group, usually on the grounds of language (non-Arabophone ethnic groups, for example)” (ALLIEVI 2010: 16). Among the four “ethnic *musallas*” in Napoli, one is Senegalese, one is Pakistani, and two are run by the Bangladeshi community.

or regional level. Usually, they also organize special meetings, for example those relating to Islamic holidays (ALLIEVI 2010: 15-16).

In this paper, I focus on Napoli's three Islamic centers and how their leadership is positioned for two main reasons. As Allievi pointed out, these centers generate institutional and symbolic representations of Muslims; in their activities, they give a major contribution to the definition and production of the social space. Furthermore, the three Islamic centers have more significant historical trajectories in terms of relations with the societal, political, and religious landscape of the city. I am not implying that "ethnic *musallas*" are not part of this process, but rather I am making a methodological choice based on the different role that each Islamic association plays. In other words, the focus here is on the representations of Muslims and of the spaces in which they live and act, both symbolic and productive. The Muslim leadership of Islamic centers plays a crucial role in generating these representations through their relationships with the societal, political, and religious landscape.

A methodological issue concerning sources exists as well. To our knowledge, Islamic associations in Napoli do not produce materials that would allow a textual analysis on a variety of topics (e.g., journals, magazines, bulletins, etc.). Newspaper articles, administrative measures addressing religious needs, and Islamic association notices are among the sources consulted. It was, therefore, necessary to carry out the fieldwork using sociological methods (AVALLONE 2017; KAUFFMAN 2009; SEMI, BOLZONI 2022) in order to interview the political-religious leaders about the past and the present. Fieldwork is still ongoing as part of a broader research project. Through participant observation, I have been attending political-religious activities, Islamic holidays, worship and celebrations, public discussions, meetings, and initiatives with the Muslim leadership of Neapolitan Islamic associations since 2019. In this paper I refer to about thirty in-depth interviews, five of which with members of the city's government, bearing in mind that:

oral history is a work of relationship; in the first place, a relationship between the past and the present, an effort to establish, through memory and narrative, what the past means to the present; then a relationship between the interviewer and the interviewee, and between the oral form of the narrative and the written or audiovisual form of historian's product (PORTELLI 2009: 21).

Muslim Spatiality in Napoli

Geographers have been studying the urban changes and re-significations of space triggered by immigrant communities in Napoli since the 1990s (AMATO 1992, 1997, DINES 2002). The latest academic works have updated the research and confirmed trends highlighted since the beginning of such academic interest (LAINO 2022a, 2022b; ABBAMONTE, ARENA, PACELLI 2022a, 2022b). This scientific production suggests that *piazza* Garibaldi's extended area is constantly changing (AMATO 2017) due to immigrants' individual and collective actions; immigrant housing and businesses are centered in this urban space which has become a key economic, political, social, and religious space for them. In such academic production there is no specific focus on the religious aspect of urban changes and re-signification of the space.

Francesco Chiodelli has worked on Muslim spatiality in Italian cities by analyzing the case study of Milano. According to this scholar and based on the urban studies perspective, four main landmarks of Islam can be identified in Italian cities: places of worship, halal butcheries, burial-places, and forms of public life (CHIODELLI 2015). Even though Napoli has designated an area within the Poggioreale cemetery for Islamic burial, administrative obstacles have prevented its opening.⁷ The three other landmarks can be found mainly in the extended area of *piazza* Garibaldi. Immigrant-owned shops in the San Lorenzo, Mercato, and Pendino districts include ones owned by Muslims that sell halal products (halal food, clothes, etc.—not just meat slaughtered following Islamic law). As noted, seven Islamic places of worship, generally called mosques, stand there. Furthermore, it is there that Islamic forms of public life are mainly visible. According to Chiodelli, Islamic forms of public life consist of the corporeal signs of Islam (i.e., Islamic headscarf and clothes, ways of wearing the beard) and the written and spoken language, namely the Arabic language used for the signs of shops and places of worship around the districts (CHIODELLI 2015). The Islamic holidays celebrated in *piazza* Garibaldi by Napoli's Muslims might be added as another form of public life. Considering the landmarks mentioned by Chiodelli, it might be said that the extended area of *piazza* Garibaldi is, in all respects, the place in which Muslim spatiality takes shape. It could be defined to some extent as partially Islamic at least from the urban studies perspective.⁸ What about the definition and production of that space by Muslims?

The contemporary globalized context is characterized by a greater mobility that has given rise to significant Muslim minorities in non-Muslim countries, including in Europe. As stated above, the question posed from a historical perspective aims at identifying the elements that define Islam as 'global'. A question that needs to be added is how different Muslim subjects (institutions, movements, individuals etc.) define and produce the space in a globalized non-Muslim context. More precisely, for the purposes of the research, how Muslim leaders in Napoli define and, along with the local Muslim associations and communities, produce the space in which they live and act, with special focus on the extended area of *piazza* Garibaldi.

Italian Muslims hosted in non-Muslim territory

The oldest Islamic center in Napoli is the Islamic Community of Napoli (*Comunità Islamica di Napoli*) founded as the Islamic Community of the South (*Comunità Islamica del Sud*) in 1990 on the initiative of Muslim students mainly from the Middle East.⁹ Its first location was in *via* (street) Parma 54, close to *piazza* Nazionale, once again in the extended area of *piazza* Garibaldi. As the number of Muslims grew, a larger place of worship was needed. Four years after its foundation, the Islamic Community of Napoli moved to *corso* (high street) Lucci 54, the historic location of the Islamic center, in the Mercato district. The last move

7 Poggioreale is a district of the eastern part of Napoli, it falls under the fourth municipality. For the topic mentioned here see below the paragraph "Imagined Islamic Spaces: The Purpose-Built Mosque and the Islamic Cemetery".

8 According to Chiodelli, the landmarks may be considered "as paradigmatic of the Muslim presence in the Italian cities, since it is they that make the urban presence of Islam most visible to the 'autochthonous population'" (CHIODELLI 2015: 21).

9 The first Muslim immigrants to arrive in Napoli at the turn of the 1970s and 80s were mostly students coming from Syria, Palestine and Jordan, data consistent with the national trend (FERRARI 2008).

was in 2021: since then the oldest Islamic center in Napoli has been based in *via Spaventa*, on premises owned and no longer rented, right on the South side of *piazza Garibaldi*, next to another Islamic place of worship founded and run by the Pakistani community. Since its foundation, the Islamic Community of Napoli has been embedded in the network¹⁰ ascribable to the European Muslim Brotherhood. It was indeed founded by Muslim students who at that time were involved in the Union of Muslim Students in Italy (*Unione degli Studenti Musulmani in Italia* – USMI), whose experience resulted in the Union of Islamic Communities of Italy (*Unione delle Comunità Islamiche d'Italia* – UCOII) in 1990. The latter is still one of the most important and representative Islamic organizations on the national scale; it has partner organizations that deal with the production and dissemination of religious knowledge such as the Italian Islamic Association of Imams and Religious Guides (*Associazione Italiana Islamica degli Imam e delle Guide Religiose*); it is part of the Federation of Islamic Organizations of Europe (*Fédération des Organisations Islamiques en Europe* – FOIE – then *Conseil des Musulmans d'Europe*), the network ascribable to the European Muslim Brotherhood (BRIGNONE 2019). Even though its leadership, namely its imam and president Amar Abdallah,¹¹ was formerly involved in that network, today the Islamic Community of Napoli has no direct affiliation with it. It has no affiliation and no prevailing interpretations, orientations, or tendencies; it could heed opinions and comments expressed by various Muslim scholars or organizations, including the European Council for Fatwa and Research (ECFR) based in Dublin.¹² The latter is a private foundation founded in 1997, established on the initiative of FOIE, and run by Muslim scholars who produce the *fiqh* for Muslims living in a minority context, specifically in Europe, the *fiqh al-aqalliyāt*;¹³ the ECFR is a reference for the organizations embedded in the network ascribable to the European Muslim Brotherhood, such as UCOII. About the ECFR, Albrecht states that:

Notwithstanding the broad variety of their national origins, professional backgrounds, *madhāhib*,¹⁴ and positions in the field of contemporary Islamic discourse, the body of members has been characterized as “close to the ‘middle-ground’ (*wasatīyya*) ethos of Yusuf al-Qaradawi and the Muslim Brotherhood”.¹⁵ The Council embraces representatives of the four major Sunni schools and follows an explicitly eclectic approach—known as *talfīq*—by borrowing from different legal traditions and thus crossing the boundaries between the *madhāhib*. Although this approach is not untested within the ECFR, the Council’s leadership regards it as crucial for facilitating

¹⁰ Extensive academic literature exists regarding Muslim networks. The essential text about Muslim networks in and across Europe is ALLIEVI & NIELSEN 2003.

¹¹ I do not use the scientific transliteration from Arabic for the names of Muslim leaders in Napoli here and beyond. I prefer the form normally used by them and by which they are known.

¹² Interview with Amar Abdallah at the Islamic Community of Napoli in *via Spaventa*, 28th February 2023.

¹³ *Fiqh al-aqalliyāt* was first used in 1990 by Ġād al-Ĥaqq ‘Alī Ġād al-Ĥaqq (DE ANGELO 2011, 81). See also CAEIRO 2010; DE ANGELO 2013; DE ANGELO & TOLINO 2017.

¹⁴ *Madhāhib* (sing. *madhhab*) is the Arabic noun for the so-called Islamic schools of law, the main Sunni ones being the Hanafi, Maliki, Shafi‘i, and Hanbali.

¹⁵ CAEIRO 2011: 87, quoted by ALBRECHT 2018: 175-176.

the revival of *ijtihād*,¹⁶ particularly in the minority context, and, more generally, for appealing to a wider audience beyond traditional *madhhab* divisions (ALBRECHT 2018: 175-176).

Muslim scholars within the ECFR have developed a significant debate regarding spaces/territories according to Islamic categories. In doing so, they used classical definitions and deployed new ones. By reshaping the classical Islamic categories in line with the historical development of geopolitical realities, Muslim scholars within the ECFR agree on the main criterion to define the *dār al-islām* (the abode/territory of Islam) that is the demographic one. Therefore, *dār al-islām* basically corresponds to Muslim majority countries, while the West can be defined as *ghayr dār al-islām*, a non-Islamic territory, outside the *dār al-islām*. Regarding the latter, the effort of Muslim scholars within the ECFR has been devoted to providing more specific definitions.¹⁷ Regarding the relations with the organizations of the network ascribable to the European Muslim Brotherhood, specifically the UCOII, the FOIE, and the ECFR, Amar Abdallah is keen to point out that the Islamic Community of Napoli is independent. He states that “No party, transnational or national group is allowed to direct our efforts”.¹⁸ Furthermore, Amar Abdallah adds that UCOII played an important role in the formation of the Islamic Community of Napoli, but the relationship with the Italian and Neapolitan society has evolved into a more autonomous one due to the emergence of new needs and duties.¹⁹ In this sense, the relations with the local context and its subjects (both intra- and extra-community subjects, i.e. local Muslim communities and associations, local organizations and institutions) are more crucial than the relations with Muslim national and transnational networks. Indeed, this is most noticeable in definition and production of the social space. With regard to the Muslim spatiality in Napoli and the extended area of *piazza Garibaldi*, Amar Abdallah stated that “We are Italian Muslims, we speak Italian. This is Italian territory. So, one has to understand what the law is and to comply with it”.²⁰ Besides, he said that Muslims are welcomed and hosted in Italy. He pointed out that the activities of the Islamic Community of Napoli are attended by Muslims coming from more than 20 different countries, and it’s also for this reason that there is no prevailing interpretations, orientations, or tendencies.

Three aspects arise from his stance. First, the Islamic Community of Napoli is independent and autonomous, it has no direct affiliation, despite its historical relations with national and transnational Islamic organizations; it does not refer to a single scholar, group, entity, or organization. Secondly, the words about Italian Muslims on the one hand, and the

16 *Ijtihād* is the Arabic word which defines the Muslim scholars’ “effort” to produce an interpretation of Islamic sources, the Koran and the Sunna.

17 For a summary of the debate and definitions, see ALBRECHT 2018. It is beyond the scope of this paper to evaluate the impact of this kind of debate on the religiously oriented action, and the definition and production of the social space at the local level. The topic will be extended and further discussed in following publications.

18 Interview with Amar Abdallah at the Islamic Community of Napoli in *via Spaventa*, 23rd February 2023. Translated from Italian into English by the author.

19 *Ibid.*

20 *Ibid.*

idea of Muslims being welcomed and hosted on the other, are only apparently in conflict: the point here is indeed that Muslims (at least residents if not citizens) are at the same time part of the Neapolitan society and part of a religious minority “hosted” in a non-Muslim territory. Finally, Muslims must comply with the Italian law and with the rules of the local government and institutions.

Mosque Entrance as the Limit

After taking part in the activities of the Islamic Community of Napoli for a long time, a group founded the Cultural Association for Dialogue, Coexistence and Peace (*Associazione Culturale per il Dialogo, la Convivenza e la Pace*) in 2010. According to its president, Muhammad Hasayen, the reason behind their decision was the need to break down the barriers between religions and create a more open and welcoming environment.²¹ A contention within the leadership of the Islamic Community of Napoli is, in fact, more plausible,²² although dialogue, coexistence and peace are core elements in the discourse, perspectives, and actions of the newborn association. The first location of the Cultural Association for Dialogue, Coexistence and Peace was on two floors of a building in *via Cosenz*, south of *piazza Garibaldi*, one for worship and the other for the education and recreation of the youth.²³ After a few years, as the number of activities and participants increased, the leadership’s intent to purchase premises for an Islamic center arose. Through fundraising and the support of UCOII, to which the group is officially affiliated, the association purchased premises in *via Torino* in 2017, north of *piazza Garibaldi*, resulting in what is now known simply as the mosque of peace (*Masjid al-Salām, Moschea della Pace*). It is the first owned mosque in Napoli and, along with the owned premises of the Islamic Community of Napoli in *via Spaventa*, it is a clear sign of the stabilization process of the Muslim communities in the city. Muhammad Hasayen, president of the association as well as imam of the mosque of peace, arrived in Napoli during the 1980s and has been tied to the network ascribable to the European Muslim Brotherhood since then. More precisely, he has played an active role in UCOII since its foundation. Despite the strong relations with UCOII and its networks, Muhammad Hasayen highlights how the diverse make-up of the community that refers to the mosque of peace has resulted in a plural religious leadership with no prevailing interpretations, orientations, or tendencies.²⁴ Unlike Amar Abdallah for the Islamic Community of Napoli, Muhammad Hasayen is not the sole imam of the Islamic center in *via Torino*.

As we raised funds to purchase the mosque, we called on all Islamic associations to contribute, declaring that our mosque would be everyone’s mosque. Those who had a minimum level of religious knowledge and participated in the collection have already performed the *khutba*.²⁵ Different imams perform the *khutba* at the mosque of peace

21 Interview with Muhammad Hasayen at the mosque of peace in *via Torino*, 1st February 2020.

22 Information about the contention within the leadership of the Islamic Community of Napoli was collected during informal encounters and was not covered in the interviews.

23 Interview with Muhammad Hasayen at the mosque of peace in *via Torino*, 1st February 2020.

24 Ibid.

25 *Khutba* is the Arabic noun for the sermon performed by the imam during the collective prayer on Friday and during Islamic holidays.

nowadays, each of whom has a connection to the community and the territory. In addition to the Arab imams, a Bangladeshi imam, a Beninese imam, and a Senegalese imam alternate to ensure multiple references are available to the entire composite community.²⁶

As mentioned above, the mosque of peace is officially affiliated to UCOII, which has a strong reference in the ECFR and the *fiqh* for Muslims living in a minority context, specifically in Europe, that it has produced and disseminated. Regarding the Muslim spatiality in Napoli and the extended area of *piazza* Garibaldi, Muhammad Hasayen states that “The streets are not Islamic, even if there are a lot of Muslims here.²⁷ The limit of the *dār al-islām* is the mosque entrance”.²⁸ In his view, relations between Muslims and non-Muslims in a non-Muslim context must be based on mutual trust, and the community that refers to the mosque of peace and its leadership show their willingness by engaging dialogue with the residents of the San Lorenzo district (where the mosque of peace stands), and by complying with the Italian law and with the rules of the local government and institutions.²⁹

Three aspects of Muhammad Hasayen’s positioning could be emphasized here too: 1. despite the direct affiliation to UCOII and therefore to the ECFR and transnational network ascribable to the European Muslim Brotherhood, there are no prevailing interpretations, orientations, or tendencies due to the multiple make-up of the community that refers to the mosque of peace; 2. the mosque, more precisely the Islamic center, is certainly an Islamic space outside of which, in Napoli and the extended area of *piazza* Garibaldi, Muslims are in a non-Muslim territory; 3. Muslims in a non-Muslim territory must comply with the law and rules of the national and local governments and institutions.

Mosque Entrance as a Porous Border

The Islamic Cultural Association Zayd Ibn Tābit (*Associazione Culturale Islamica Zayd Ibn Tābit*), known simply as the mosque of *piazza* Mercato, is probably the best-known Islamic place of worship in Napoli thanks to its peculiar history and its relations with the Neapolitan society. The mosque is located in *via* Corradino di Svevia, north of *piazza* Mercato, in the Pendino district, again in the extended area of *piazza* Garibaldi. The premises of the Islamic center are owned by the City of Napoli and granted on loan for free use to the Zayd Ibn Tābit Association. It was founded in the late 1990s by a group in which the Neapolitan converts have had a leading role since then. Hamza Boccolini has led the Association in its initial phase; Agostino Yassine Gentile, who studied in Saudi Arabia, was the imam of the mosque of *piazza* Mercato until his recent move to Reggio Emilia, northern Italy; Massimo Abdallah Cozzolino is the president of the Zayd Ibn Tābit Association today. The mosque of *piazza* Mercato is well-known thanks also to the documentary work about Neapolitan converts to

26 Interview with Muhammad Hasayen at the mosque of peace in *via* Torino, 11th February 2023. Translated from Italian into English by the author.

27 The word “here” stands for Napoli and the extended area of *piazza* Garibaldi on which the interview was focused.

28 Interview with Muhammad Hasayen at the mosque of peace in *via* Torino, 11th February 2023. Translated from Italian into English by the author.

29 Ibid.

Islam produced by the journalist Ernesto Pagano and entitled *Napolislam* (PAGANO 2015: 2016). This work drew the attention of the public debate and the interest of some researchers. Indeed, there is no academic literature on Muslim communities in contemporary Napoli, except for few works on Neapolitan converts published by anthropologists (DI NUZZO 2017, 2020, GALLETTI 2015). The mosque of *piazza* Mercato has not had an official affiliation to a national Islamic organization until it joined the Italian Islamic Confederation (*Confederazione Islamica Italiana* – CII) of which Massimo Abdallah Cozzolino is the general secretary. The CII was founded in 2012, it is one of the most representative Islamic organizations on the national scale along with UCOII, and it is backed by the Kingdom of Morocco and its institutional device in charge of the Moroccans Abroad (DI MAURO 2021). It is worth mentioning that the largest national community among the Muslim immigrants in Italy and in Campania Region (*Regione Campania*, regional administrative institution) is the Moroccan one (420 thousand in Italy according to CARITAS-MIGRANTES 2022; about 23 thousand in Campania according to ISTAT 2023); along with a part of it, the Moroccan institutional device operates in the Italian Islamic religious field by providing financial support, religious personnel as well as access to religious knowledge. The CII, therefore, refers to the Kingdom of Morocco and its official version of Islam made up of the Maliki school of law, the Ashari doctrine, and the Sufi spirituality, defined as moderate, tolerant, and more compatible with the non-Muslim context (DI MAURO 2021, 2022). The Ministry of Islamic Affairs plays a key role in the Moroccan institutional device in charge of the Moroccans Abroad; the European Council of the Moroccan ‘Ulamā’ (*al-Mağlis al-Ūrūbī lil-‘Ulamā’ al-Mağāriba, Conseil Européen des Oulémas Marocains* – CEOM), created in 2008 and based in Brussels, depends on it. The CEOM is the Moroccan institution producing advice for Muslims living in Europe, its president is a member of the Moroccan Supreme Council of the ‘Ulamā’ (*al-Mağlis al-A‘lā lil-‘Ulamā’, Conseil Supérieur des Oulémas*) created in 1981, headed by the king—the sole body with the legitimacy to release *fatāwā*³⁰ for Moroccan Muslims inside and outside the borders of the country. Taher Tujgani,³¹ president of the CEOM, released a text in Arabic in 2020 entitled “The Relation of the Muslim with the non-Muslim in Islam”, resumed then in 2023 in the French version entitled “The Islamic Principles of the Coexistence”,³² in which he lists and explains six principles that regulate the relations between Muslims and non-Muslims according to the Islamic sources: brotherhood, equality, mutual awareness, mutual respect, benevolence, and justice. The *ṣayh*³³ stresses the need for dialogue especially among people of monotheistic religions (*ahl al-adyān al-samāwiyya*, literally “people of the celestial religions”) who live in one single territory (*fi bayt wāḥid kabīr*, literally “in one big house”). Taher Tujgani suggests that the historical developments (with special emphasis on technology, communication, and

30 *Fatwā* (pl. *fatāwā*) is the Arabic word for legal opinion or response.

31 As for the names of Muslim leaders in Napoli, I do not use the scientific transliteration from Arabic for the name here. I prefer the form usually used by him and with which he is known.

32 My translation from Arabic and French into English. The title in Arabic is *‘Alāqat al-Muslim bi-Ġayr al-Muslim fi l-Islām*; text available at: <https://tinyurl.com/4e4befyr> (last accessed, October 14th, 2023). The title of the resumed French version is *Les Soubassements Islamiques du Vivre Ensemble*; text available at: <https://tinyurl.com/ynrz5t7> (last accessed, October 14th, 2023).

33 *Ṣayh* has multiple meanings. In this case it is an honorary title given to an expert in Islamic sciences.

inform-ation) of the globalization era have removed temporal and spatial barriers; here the point is the oneness of the increasingly interconnected spaces/territories. Regarding the places of worship in Napoli and the extended area of *piazza Garibaldi*, Massimo Abdallah Cozzolino is in line with the above-mentioned stance: he states that “We must consider outdoor space as a shared space. This is how we engage with the local community. It is crucial to make the place of worship part of the territory, not separated from it”.³⁴ Despite this, the mosque entrance remains a border, even though a porous one. The mosque is an Islamic space that cannot be extended to the outside.³⁵

The mosque of *piazza Mercato* is always open. For instance, during *ramadān* everyone comes, we do food distribution, the public baths are always open to Muslims and non-Muslims. There is also a barbershop inside the mosque. So, anyone can go there. Our concern lies precisely in conceiving this space: how can we allow non-Muslims, often in trouble, who live in the neighborhood to enter the mosque? We allow it as an opportunity to exercise *daʿwa*,³⁶ to do a positive action. However, we never thought of doing *daʿwa* outside the mosque, perhaps in the *piazza Garibaldi* area.³⁷

Massimo Abdallah Cozzolino is keen to stress the strong autonomy on the local scale, although its role in the CII is central on the national one. Indeed, he states that “The Confederation’s orientation is clear and, in some cases, even steady on some positions. I believe that stressing certain views is a limit because it can give the idea of subordination to a state authority (ed.: the Kingdom of Morocco)”.³⁸ Furthermore, the president of the Zayd Ibn Tābit Association highlights the differences between northern and southern Italy. The Muslim communities in northern Italy are more homogenous in their composition and more stable in terms of social, political, and economic integration. According to Massimo Abdallah Cozzolino, in northern Italy there is often a correspondence between the local Islamic center and the national or transnational organization because of the density of people coming from a single country that refer to a specific place of worship. He states that “We do not have this characteristic as we are a plural association, as we are an association made up of many individuals with different migratory backgrounds”,³⁹ this explains why there are no prevailing interpretations, orientations, or tendencies, and why he is not the sole imam of the Islamic center, as is the case with the mosque of peace in *via Torino*—and unlike the Islamic Community of Napoli in *via Spaventa*. He further stresses that the Italian and Neapolitan leadership is the key element of the Zayd Ibn Tābit Association by saying that the mosque of *piazza Mercato* is open to all parts of the community, and discussions about Islamic majority

³⁴ Interview with Massimo Abdallah Cozzolino (online), 27th May, 2023. Translated from Italian into English by the author.

³⁵ Ibid.

³⁶ *Daʿwa* is the Arabic word for mission or calling to God towards both Muslims and non-Muslims.

³⁷ Interview with Massimo Abdallah Cozzolino (online), 27th May, 2023. Translated from Italian into English by the author.

³⁸ Ibid.

³⁹ Ibid.

countries are not reproduced within it.⁴⁰ Finally, he points out that there is a gap between national or transnational Islamic organizations and the local Islamic associations also due to the different needs of the vast majority of Muslims attending the mosques who are not involved in production and dissemination of religious knowledge and practice or in the relations with institutions at the national or transnational scale.⁴¹

The Massimo Abdallah Cozzolino's position can be summarized as follows: 1. despite his central role on the national scale and the official affiliation to the CII, there are no prevailing interpretations, orientations, or tendencies because of the multiple composition of the community that refers to the mosque of *piazza* Mercato; 2. the Islamic center is an Islamic space, Napoli and the extended area of *piazza* Garibaldi is a non-Muslim territory, but the borders are porous since inside and outside the mosque the space is shared with non-Muslims; 3. on the local scale the Islamic association is strongly independent and autonomous due to the peculiarity of the context, there is a gap between the national and transnational Islamic organizations and the local Islamic associations, and therefore between the high-profile action of national and transnational networks and the needs of the Muslims attending mosques.

Imagined Islamic Spaces: The Purpose-Built Mosque and the Islamic Cemetery⁴²

Besides generating institutional and symbolic representations of Muslims at the local scale, the three Islamic centers mentioned above also hold the necessary relations with the political and administrative levels of the City of Napoli and Campania Region to address requests for the worship. Regarding Muslim spatiality, the main issues discussed between Napoli's Islamic centers and the local institutions are two: the purpose-built mosque and the Islamic cemetery.

As stated before, there is no purpose-built mosque in Napoli, that is, a mosque featuring all the elements that characterize Islamic places of worship, including a dome and minaret. According to Muslim leaders of the Islamic centers, it would have been a symbolic place for all Muslims. Under Mayors Pietro Lezzi (1987-1989) and Nello Polese (1990-1992), for the first time the nascent Islamic Community of Napoli asked the city administration for a space suitable for the purpose-built mosque.⁴³ Since then, relations with the city government on the issue have never been interrupted and yet have led to no progress: the center-left city administrations headed by Bassolino (1993-1997), Iervolino (2001-2011) and de Magistris (2011-2021) discussed solutions with Islamic associations but all of them came to nothing due to administrative obstacles and unavailability of suitable sites. One of these unsuccessful solutions was the 2001 proposal to create a purpose-built mosque in Ponticelli, a district in East Napoli, away from the area inhabited by most Muslims, using a part of regional funding for urban regeneration. At that time there were two Islamic

40 Interview with Massimo Abdallah Cozzolino (online), 27th May, 2023.

41 Ibid.

42 The topic of this paragraph will be extended and further discussed in following publications.

43 Interview with Amar Abdallah at the Islamic Community of Napoli in *corso* Lucci, 5th December 2019. The same information can be found in an article published by Tiziana Cozzi in 2010 in the local edition of one of the main Italian newspapers, Repubblica. The article title was "Mosque in the City, Twenty Years of Waiting" (e.d.: author's translation from Italian into English). Here is the link to the newspaper's online archive: <https://tinyurl.com/yzab9wdt> (last accessed October 14th, 2023).

associations in Napoli—the Islamic Community of Napoli and the Islamic Cultural Association *Zayd Ibn Tābit*, Bassolino was President of the Campania Region, Iervolino was Mayor of Napoli, and the center-right coalition headed by Berlusconi had the majority in Parliament and was leading the national Government. On December 12th, 2001 the Chamber of Deputies (*Camera dei Deputati*, one of the two chambers of the Italian Parliament along with the *Senato*, the Senate) after a heated debate passed a parliamentary resolution (*ordine del giorno*, literally “order of the day”) committing the Government to ask the President of the Campania Region to not allocate funds to the mosque.⁴⁴ The same fate awaited the project aimed at transforming the building of the city’s fish market into the city mosque. The building is in *piazza Duca degli Abruzzi*, in the Mercato district. The proposal put forward by Mayor de Magistris was announced by *il Mattino*, the main city newspaper, in the issue of October 27th, 2012, and failed in the space of few months because of the opposition of the fish market players, who were concerned about the possibility of having to move their businesses out of the area.⁴⁵ Besides, the Nea-politan Islamic associations at that time tried to create a committee for the joint management of the desired, forthcoming city mosque, a first experiment of coordination between different subjectivities and stances which failed also due to the persisting contention among them.⁴⁶

The never-made Islamic cemetery also has a long history that can be traced back to the end of the 1990s, when the Mayor of Naples Bassolino identified an area in the Poggioreale cemetery which was then being used for other purposes.⁴⁷ The Islamic cemetery, however, has been subject to administrative measures years after. It is part of the Poggioreale Cemetery Park Implementation Plan formally adopted by the city administration (DELIBERATIONS n. 1972 of 2006, n. 59 of 2009, n. 1779 of 2010). In the explanatory report dated March 2015 (COMUNE DI NAPOLI, SERVIZIO CIMITERI CITTADINI 2015), the exact area for the Islamic cemetery was identified behind the already present Jewish cemetery. Despite good relations between the Islamic centers and the city government dating back to the 1990s and administrative measures, no progress has been made. The space for Islamic burial became more urgent during the Covid-19 pandemic, when the repatriation of the human remains became extremely difficult due to the rules for containing contagion. The repatriation of human remains is yet the most common, though very expensive practice for Muslim im-migrants; some Islamic majority countries cover the costs; Islamic associations

44 The verbatim report of the debate is available at: <https://tinyurl.com/2bnxfrj> (last accessed October 14th, 2023).

45 Interview with Amar Abdallah at the Islamic Community of Napoli in *corso Lucci*, 5th December 2019. The information concerning the opposition of the fish market players is confirmed by the verbatim reports of the City Council. The issue of securing the building in *piazza Duca degli Abruzzi* for the re-opening of the fish market was discussed in the City Council on several occasions. The verbatim reports are available on the website of the City of Napoli.

46 Information about the contention between Islamic associations and leaderships was collected during informal encounters and was not covered in the interviews. Information about the role of the Islamic associations in the management of the desired purpose-built mosque was collected during the fieldwork. There are not other sources about the role of the Islamic associations in the management of the desired purpose-built mosque because the project never went beyond a generic proposal.

47 Interview with Amar Abdallah at the Islamic Community of Napoli in *corso Lucci*, 5th December 2019.

often collect funds. The leading company in this field in Napoli is the funeral home run by Alessandro Trombetta, who works closely with the local Islamic associations and the Islamic majority countries' consulates, both for the repatriation of human remains and for burials in the Italian territory whenever possible.⁴⁸ The funeral home run by Alessandro Trombetta is capable to do this work in compliance with Islamic law thanks to the presence of Muslim personnel and the collaboration with the Islamic associations during the different phases of the repatriation or the burial procedures.⁴⁹ The problem was and still is how to guarantee burial services for Muslims in Napoli. Enrico Panini, Deputy Mayor in charge of cemeteries in 2020, put forward the idea of an "adoption" of the space, in other words a land rental, by the Neapolitan Islamic associations due to the impossibility of increasing public spending (DI MAURO 2023). The Islamic associations that are supposed to provide the land concession fee in the case of "adoption", do not have the appropriate resources. The net effect is that there is no Islamic cemetery in Napoli.

The purpose-built mosque and the Islamic cemetery are now off the local political agenda and remain merely imagined Islamic spaces. As of today, there are no relations with the new city government,⁵⁰ nor are there formal relations with local institutions, specific institutional bodies or offices. The apparently good political relations of the last thirty years have not become an administrative praxis. Laura Marmorale, who served under Mayor de Magistris as Councilor for Citizenship Rights and Social Cohesion between 2018 and 2019, noted the distance between political praxis and the administrative one: "There is no inclusive administrative praxis in the City of Naples. There is inclusive political praxis: if an imam requests a meeting with the Mayor, the Mayor will meet with him. The imam will be at Palazzo San Giacomo⁵¹ and will bring community requests [to the Administration's attention]. This is not reflected in administrative praxis",⁵²

According to the Muslim leadership of the Islamic centers in Napoli, the purpose-built mosque and the Islamic cemetery would be the most important Islamic spaces in which the exercise of rights related to religious freedom and the compliance with the rules of worship could be fully ensured. However, the City of Napoli lacks a concrete policy on this subject, in spite of the inclusive political discourse and practice mentioned above. Morpurgo discusses the ways in which public administrations in Northeast Italy handle spatial demands connected to religious diversity—mostly conveyed by Muslims. The author states that:

Before considering *how* public administrations handle spatial demands connected to religious diversity, it is necessary to clarify *if* they do so. In this, as in other studies (Dunn, 2004; Kuppinger, 2011), the answer is consistently negative. In none

48 Interview with Alessandro Trombetta at the company headquarters in *via Fontanelle al Trivio*, 28th April 2023.

49 Ibid.

50 During the interviews I conducted, both the representatives of the city administration led by Manfredi and the leaders of Islamic centers have confirmed that there are no relations nowadays. Both subjects are keen to stress that they would be willing to engage in relations if needed.

51 Palazzo San Giacomo is the Napoli's town hall.

52 Interview with Laura Marmorale at *piazza Bellini*, Napoli, March 2020. At the time of the interview, Laura Marmorale was no longer Councilor after a cabinet reshuffle by Mayor de Magistris.

of the nine municipalities, irrespective of size, of the administration's political orientation, and of the number and type of religious groups, does a spatial strategy address the issue of religious diversity. This does not mean that religious groups can locate freely; on the contrary, it means that they are not regarded as meriting public consideration for the provision of religious spaces. (MORPURGO 2021: 79)

The same could be said of the City of Napoli which has no administrative strategy addressing the spatial demands of Muslim communities, as confirmed by Luca Trapanese—Councillor for Welfare, Social Inclusion, and Immigration—and Laura Lieto—Deputy Mayor in charge of Urban Planning under the current Mayor Manfredi.⁵³ Regarding the spatial demands of Muslim communities, to the *avoidance, concealment* and *refusal* strategies of public administrations suggested by Morpurgo (MORPURGO 2021), the lack of administrative initiative and structure combined with political practice should be added, considering the specificities of a changing context (AMATO 2017, DI MAURO 2023) characterized by greater mobility and precarity.

Conclusions

On April 21st, 2023, thousands of Muslims gathered in *piazza* Garibaldi for the *ʿīd al-ḥiṭr* celebrations at the end of *ramaḍān*.⁵⁴ Unlike previous years, there was not a single celebration for all. Some Islamic associations, including the Islamic Cultural Association Zayd Ibn Ṭābit and the Cultural Association for Dialogue, Coexistence and Peace, decided to hold the celebrations in their respective Islamic centers. The Bangladeshi communities on the north side and the Islamic Community of Napoli on the south side gathered on the cobblestone of *piazza* Garibaldi. Many Muslims who reach *piazza* Garibaldi during Islamic holidays do so without notice: they already know that the celebrations are held there every year.⁵⁵ Therefore, *piazza* Garibaldi, the place around which the seven mosques stand and most Muslim live, and where the halal markets can be easily found, is at least socially recognizable as the space of collective religious experience by the Muslim communities in Napoli, a space temporarily and repeatedly sacralized thanks to the celebrations of Islamic holidays, one might say. Mosques, halal markets and Islamic holidays are a hop in the continuity of the non-Islamic space. By paraphrasing Eliade (ELIADE 1984, 27), it can be said that Muslims and Islamic associations have settled in Napoli especially in the extended area of *piazza* Garibaldi, consecrating it to Islamic worship.

However, being in that space is not a religious calling. I already mentioned the territorial distribution of Muslim immigrants in Napoli. The territorial distribution of immigrants often

53 Interview with Luca Trapanese at Palazzo San Giacomo, Napoli, 17th February 2023, and interview with Laura Lieto at Palazzo San Giacomo, Napoli, 1st March 2023.

54 The *ʿīd al-ḥiṭr* is the Islamic holiday for the breaking of the fast celebrated at the end of the month of *ramaḍān*.

55 Information about the Islamic holidays in *piazza* Garibaldi was collected during the fieldwork. I joined the Islamic holidays held in *piazza* Garibaldi (suspended between 2020 and 2021 due to the Covid-19 pandemic) between 2019 and 2023.

depends on their nationality, the relative working specialization (ethnicization of workforce, WALLERSTEIN 2012), and their consequent integration into the labor market. As confirmed by the Ministry of Labor and Social Policies in its official reports, many Muslim immigrants are engaged in the trade sector (wholesale, retail, and street vendors) which in Napoli is mainly located in the extended area of *piazza* Garibaldi, in the San Lorenzo, Mercato and Pendino districts (LAINO 2022a, 2022b; ABBAMONTE, ARENA, PACELLI 2022a, 2022b). In Napoli, San Lorenzo is one of the districts whose inhabitants are mostly immigrants. According to the Italian Revenue Agency (*Agenzia delle Entrate*),⁵⁶ in San Lorenzo, as well as in Mercato and Pendino, rental rates are lower than in other districts, and so more affordable for the low incomes of immigrants, which is particularly relevant since immigrants in Napoli have an even lower standard of living compared to the national average. According to the Ministry of Labor and Social Policies, “While overall in Italy less than a third of employed non-EU citizens receive a monthly salary of less than 800 euros, in Napoli’s metropolitan area the concentration in this salary range reaches an incidence of as much as 56.3 %. Conversely, only 16.7% of non-EU employees receive salaries exceeding 1,200 euros (a percentage that rises to 32.7% at the national level), while 27.7% receive salaries ranging from 801 to 1,200 euros (ed.: translated from Italian into English by the author)” (MINISTERO DEL LAVORO E DELLE POLITICHE SOCIALI 2020: 26).⁵⁷ The labor market and low rental rates are the two most important factors behind the territorial distribution of immigrants (Muslim immigrants for what interests us) in the extended area of *piazza* Garibaldi. In other words, the social space we are talking about contains the social relations of production (LEFEBVRE 1991).

Muslim communities, in their uneven and mobile relations with the social, political, economic, and institutional subjects of the city, produce a social space made of material conditions and division of labor. At the same time, they produce a central space for the individual and collective religious experience. That center, as noted, is not home to the purpose-built mosque and the Islamic cemetery, which are off the local political and administrative agenda today, despite thirty years of attempts. The purpose-built mosque and the Islamic cemetery are imagined Islamic spaces. According to Knott, “In addition to the extensive, diachronic nature of a place, there are also its synchronic interconnections with other similar and co-existing sites, real and imagined, to which a place may be connected by the movement of people and capital, and the flow of communications and ideas” (KNOTT 2010: 36). If the final spatial property is power (KNOTT 2010: 36), Muslim spatiality—produced, experienced and imagined—in Napoli depends on the complex power relations that are in place. In this context, the leadership of the Islamic centers highlight that Muslims must comply with the Italian law and with the rules of the local government and institutions. And in this sense, this stance is an ordering principle according to which Muslim communities are conceived as being always “hosted”.

The three Islamic centers considered here have relations and connections with different national and transnational organizations or institutions, they are embedded in networks that

⁵⁶ Revenue Agency—data here: <http://tinyurl.com/yj9jahrz> (last accessed Oct. 14, 2023).

⁵⁷ The most updated reports released by the Ministry of Labor and Social Policies do not include data about salary range. See MINISTERO DEL LAVORO E DELLE POLITICHE SOCIALI 2021, 2022.

cross borders and interfere with different scales. Subjects like the network ascribable to the European Muslim Brotherhood or the Moroccan institutional device tend to spread their political-religious approaches. The Islamic centers are certainly receptive of such production, which falls within the Global Islam processes (GREEN 2020, CESARI 2008). They also seem to enjoy a certain degree of autonomy in deploying their local action and the Muslim spatiality in Napoli. The political-religious leaders of the Islamic centers in Napoli define the city and the extended area of *piazza* Garibaldi as a non-Islamic territory, albeit differently. They consider how specific subjects, namely both intra- and extra-community subjects (i.e. local Muslim communities and associations, local organizations and institutions), and spaces, namely the local scale, Napoli and the extended area of *piazza* Garibaldi, intersect. By doing so, they adapt a religiously oriented action to a changing context (AMATO 2017, DI MAURO 2023). There is, therefore, a *systemic integration on a global scale* in terms of relations, production and dissemination of religious approaches, action, and practice. At the same time, the leadership of the Islamic centers is keen to stress that the context, relations with the Neapolitan society, especially in its social and political manifestations, the pluralism of the Muslim communities there, as well as their material conditions, are the elements on which local action is constructed in an autonomous way. The Islamic centers in Napoli are at the intersection of subjects and scales. In conclusion, there is a tension between different scales and subjects that is not necessarily conflictual. The tension could be, as in this case-study, the continuous adjustment and negotiation through which Muslim spatiality in Napoli is produced and adapted to a specific context, society, that is a specific mode of production.

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Muslims in Europe and Covid-19: Transnational and National Fatwas

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Abstract

Covid-19 obliged the authorities of all countries to adopt a series of measures aimed at limiting the spread of the virus (e.g. social distancing and restrictions on internal and international movement), some of which prevent Muslims from performing, or only partially perform, some of their acts of worship, in particular those which, by requiring and/or prescribing the formation of an assembly, physical proximity or direct contact between those performing them (collective prayers, pilgrimage, religious festivals, funeral rites), are more conducive to the spread of the virus. This situation is at the root of the many questions that some European Muslims have asked jurists to provide them with guidance, based on Islamic law, on how to reconcile the anti-Covid rules with the obligation to perform acts of worship. This article analyses the *fatāwā* issued by the European Council for Fatwas and Research in response to these questions. In particular, this article has three aims: 1. to identify and describe the solutions adopted by the Mağlis to adapt religious practice to the restrictions imposed by the Covid; 2. to verify whether the solutions adopted by the ECFR to combat the pandemic are compatible with the provisions adopted by European governments in this regard; 3. to verify whether and in what terms the Islamic jurisprudence produced at the national level (the Italian one) transposes the transnational jurisprudence of the ECFR. The focus will be on *fatāwā* concerning collective prayers and funeral rites.

Key words: Covid-19, European Council for Fatwas and Research, Fatwas, Italian Islamic Association of Imams and Religious Guides, Muslims in Europe.

Introduction

The authorities in all countries have taken a number of measures to limit the spread of the Covid-19. The most important of these measures have probably been physical distancing and restrictions on movement (internal and international). These measures have also had an impact on religious practices. The practices that have been drastically restricted are those that are more conducive to the spread of the virus because they require and/or prescribe, the formation of an assembly, physical proximity or direct contact between those who perform them. In the specific case of Muslims, the restrictions have affected the performance of

various types of prayers,¹ pilgrimages,² the feast of breaking the fast (*ʿīd al-ḥajj*), the feast of sacrifice (*ʿīd al-aḍḥā*),³ funeral rites,⁴ etc., to the point of imposing a temporary ban on their performance, especially during the most acute phase of the pandemic. This situation is at the origin of the numerous questions that Muslims have put to the jurists (*fuqahāʾ*, sing. *faqīh*) to provide them with guidance, based on Islamic law, on how to reconcile the anti-Covid rules with the obligation to perform acts of worship. However, it was not only individual believers, but also the government authorities of some Muslim-majority countries⁵ and international health authorities who asked for the opinion of the jurists (WHO 2020): in these cases their intervention was requested in order to religiously legitimise precisely those regulations and instructions which, in the name of the fight against Covid-19, restricted freedom of worship and thus make them plausible in the eyes of believers who would have accepted and respected them more. The *fuqahāʾ*, both those acting individually and those gathered in collegial institutions,⁶ produced hundreds of responses (*fatāwā*, sing. *fatwā*)⁷ in response to the many and varied requests they received, resulting in a jurisprudence specifically devoted issues related to Covid-19 (ʿALLĀMĀ 2020a; ŞABRĪ 2020),⁸ to which was added a debate on the

- 1 The performance of congregational prayers, which require the presence of a plurality of believers, clashed with the prohibition of assembly and physical distance.
- 2 As it involves millions of believers from all over the world, it violated both ban on assembly and the restrictions on freedom of movement. In this regard, it should be noted that on 26 February 2020, Saudi Arabia decided to suspend the issuing of visas to foreign Muslims wishing to go there to perform the minor pilgrimage (*ʿumra*); a few days later, when the first case of Covid-19 was recorded in the country, the performance of *ʿumra* was also banned for the population of the state. Instead, only one thousand believers were allowed to perform the great pilgrimage (*ḥaǧǧ*) (EBRAHIM-MEMISH 2020; HOANG [et al.] 2020; JOKHDAR 2021; SAYED 2021).
- 3 The large number of believers involved violated the prohibition on gathering, physical proximity, and direct contact. In July 2021, the World Health Organization (WHO) expressed concern about the impact of the Feast of Sacrifice on the number of infections, which had already been rising for several weeks in some Maghreb countries: “With the Eid al-Adha feast taking place during the week starting 20 July [2021], traditionally marked by religious and social gatherings, WHO is concerned that the current up-surge may continue to peak in the coming weeks, with catastrophic consequences” (WHO 2021).
- 4 Since they involved direct contact with the body of the deceased, who died from or with Covid-19, they could be the source of possible infection. Restrictions on international travel also prevented the bodies of many Muslims from being returned to their countries of origin for burial there.
- 5 This was the case in Pakistan, for instance, whose president, Arif Alvi, asked al-Azhar, one of the most prestigious and authoritative religious centres in the entire Islamic world, to issue a *fatwā* on the possibility of suspending Friday congregational prayer. Egypt’s 2020.
- 6 I am referring here to those institutions—independent or linked in various ways to the governmental authority of the country in which they operate—that are engaged in the process of *iftāʾ*, i.e. the issuance of *fatāwā*.
- 7 A *fatwā* is the answer to a question posed by a believer or a group of believers concerning the legal-religious regulation of a particular matter. The person who asks for it is called a *mustaftī*, while the scholar who issues it is called a *mufṭī*. The *fatwā*, being a mere opinion, has no binding character, so the *mustaftī* is free not to disregard it; this is one of the reasons why it is not possible to compare a *fatwā* with a judgement. “Fatwā” 1995; ZULFIKAR 2014; AWASS 2023.
- 8 This is not the first time that jurists have been called upon to instruct believers on how to behave during an epidemic. Indeed, this has happened during other epidemics throughout history. For example, Jacqueline Sublet, analysing one of the most important treatises in Islamic literature on the plague, that of the Egyptian jurist Ibn Ḥaǧar al-ʿAsqalānī (1372-1449), states that “les savants ont été poussés par le désir ...

jurisprudence of emergencies (*fiqh al-tawāriʿ*) (‘ALLĀMĀ 2020b).⁹ This extensive jurisprudential production testifies well to the importance that many believers attach to respecting the rules of Islamic law in its confessional sense, and thus to the vitality that characterises it (DE ANGELO 2010).

Covid-19-related fatwas have been issued both in Arab-Islamic countries and in societies where Muslims are a minority.¹⁰ On 27 February 2020, in Baghdad, the Commission [for the Issuance] of the Fatwā of the Iraqi Legal Council¹¹ issued a ruling entitled *Response Regarding the Performance of Collective Religious Practices Following the Spread of the Coronavirus*.¹² To the best of my knowledge, this *fatwā* is the first written response in the Middle East and North Africa to the request for instructions (*kayfiyya*) from worshippers who wanted to know whether and how to perform acts of worship in the face of the ongoing pandemic.¹³ Outside the Arab-Islamic world, however, the first Muslim jurists to comment on the relationship between the coronavirus and religious practice were those of the Resident Fatwa Committee¹⁴ (RFC) of the Assembly of Muslim Jurists of America¹⁵ (AMJA), who issued a statement (*al-bayān*)¹⁶ from California on 3 March in response to the many questions (*‘adad min al-asʿila*) they had received from mosque leaders and, more generally, individual worshippers about this very relationship (AMJA 2020).¹⁷

Moving from the New to the Old Continent, and remaining in the sphere of collegial institutions responsible for issuing *fatāwā*, as well as the main actors involved in the production of Islamic law in the West, the responses of the European Council for Fatwas and

de proposer enfin aux fidèles un ensemble de préceptes, une jurisprudence, en définissant la conduite que le musulman doit tenir devant la peste Ces savants auxquels la population des régions atteintes demande expressément ... de prononcer des *fatwā*, se sont à nouveau tournés vers les textes sacrés et ont consulté les recueils de *fiqh* pour élaborer les réponses aux questions posées”. SUBLET 1971: 145-146.

- 9 A major conference organised by the World Islamic League (Rābiṭat al-‘Ālam al-Islāmī) and the Emirati Council for [the Issuance of] Legal Opinions (Maḡlis al-Imārāt li-l-Iftā’ al-Šarʿiyyi), which was held remotely on 18-19 July 2020 (VV. AA. 2020; al-BAYĀN 2020), was also devoted to this *fiqh*.
- 10 For an overview of the Islamic responses to the Covid-19 pandemic, see SHABANA 2023.
- 11 In Arabic Laḡnat al-Fatwā fī l-Maḡmūʿa al-Fiḡhiyya al-‘Irāqiyya.
- 12 In Arabic: *Fatwā bi-Šaʿn Adā’ al-‘Ibādāt al-Ġamāʿiyya ma’a Intiṣār Fāyriṣ Kūrūnā*. This *fatwā* was addressed to the Sunni part of the population. The Shia part of the population, however, found a point of reference in the *fatwā* issued, on 16 March 2020/21 raḡab 1441, by the āyatullāh al-Sistānī. Al-Sistānī 2020. Unless otherwise indicated, all translations from Arabic are my own.
- 13 Among scholars, the Iraqi *fatwā* is certainly less well known than the one issued a few days later, on 3 March 2020, by the Emirates Council for Legal Opinions: *Fatwā no. 11 of 2020 Regarding Rules for the Performance of Collective Religious Practices Following the Spread of the Covid-19 (Corona) Virus [Fatwā raqm (11) li-Sanat 2020 bi-Ḥuṣūṣ mā Yataʿallaq bi-Aḥkām Adā’ al-‘Ibādāt al-Ġamāʿiyya ma’a Intiṣār Fāyriṣ Kūfīd-19 (Kūrūnā)]*. The Emirati *fatwā* is better known than the Iraqi one. In fact, it was immediately translated into English, making it accessible even to scholars who do not read Arabic.
- 14 In Arabic al-Laḡnah al-Dāʿimah li-l-Iftā’. Curiously, the English translation of the Commission’s name does not exactly match with the Arabic version: Internal Fatwā Commission (translation from English), Permanent Fatwā Commission (translation from Arabic).
- 15 In Arabic Maḡmaʿ Fuqahā’ al-Šarʿa bi-Amrīkā.
- 16 Beyond the formal title, this document has a content that makes it a *fatwā*.
- 17 All RFC responses, in both English and Arabic, are available on the AMJA website (<https://www.amjaonline.org>).

Research (ECFR),¹⁸ which, as will be seen shortly, issued an initial statement on Covid-19 on 3 March 2020, similar to that of the AMJA, are relevant. This institution was established in London in 1997—later moved to Dublin in 1999¹⁹—on the initiative of the Federation of Islamic Organisations in Europe, founded in 1989.²⁰ Its former president, ‘Abd Allāh bin Yūsuf al-Ġuday’,²¹ explained the reasons for its establishment as follows:

one of the principal reasons for the creation of this Council is to fill the gap in scholarly research, with regards to the Islamic legal provisions relating to the reality of living in Europe, which is a collective obligation ... upon the community. The ECFR aims to produce for fatwa that is sympathetic and mindful of the European context.²²

The Council has therefore set itself the goal of becoming the transnational religious authority²³ of reference for Muslims in Europe, i.e. to provide them with an Islamically legitimate solution to the problems they encounter in the exercise of their religious practice, which are determined by the specific context in which they live. In this sense, the Council represents one of the forms of global Islam that “were developed as means of accommodating Muslims to either life as pious minorities or dominant secular modernity, while protecting them from the moral pitfalls of Western lifestyle” (GREEN 2020: 138).

The ECFR pronounced on Covid-19 on three separate occasions between March and April 2020. On 3 March 2020, the Council issued a short statement²⁴ commenting on the precautionary measures (*al-iğrā’āt al-ihtirāziyya*) taken by states to reduce the dangers posed by the virus and to limit its transmission. In particular, the Mağlis stressed the importance that Islam attaches to human health (*ṣiḥhat al-insān*), for the protection of which it provides a number of instruments of both a preventive (*al-wasā’il al-wiqā’iyya*) and curative (*al-asālib al-‘ilāğiyya*) nature. For example, in order to prevent the spread of infectious diseases (*al-amrāḍ al-mu‘diya*), it prescribes, mainly on the basis of prophetic indications, quarantine (*al-*

18 In Arabic *al-Mağlis al-Ūrūbī li-l-Iftā’ wa-l-Buḥūt*. Henceforth alternatively ECFR or Council or Mağlis.

19 For possible reasons for this shift, see SCHARBRODT [et al.] 2015.

20 For the origins of this Federation and its links to the Muslim Brotherhood, see VIDINO 2012.

21 He is a British citizen born in Iraq in 1959. He has lived in the United Kingdom since 1993. He was elected President of the Council on 9 November 2018, replacing Yūsuf al-Qaraḍāwī, who had been President since 1997. The current President is Suhayb Ḥasan.

22 This statement is included in the “Introduction – The President’s Word” section of the Euro Fatwa App. This is a smartphone app launched by the Council in 2019 with the aim of disseminating its statements more widely. It is currently available in four languages (Arabic, English, Italian and Spanish). Islamicfiqh.net, a platform for teaching of Islamic law, described the app as “a simplified and concise Fiqh guide issued by the European Council for Fatwa and Research (ECFR) to enable European Muslims to adhere to the regulations and manners of Islam and to fulfil their duties as Muslim citizens, while taking care of the legal, customary and cultural specificities of European societies”. Islamicfiqh.net no date. The Euro Fatwa App is available on both the Play Store and the App Store.

23 The transnational nature of the Council is linked to the fact that it addresses all Muslims in Europe, regardless of the specific national reality to which they belong.

24 *Bayān al-Mağlis al-Ūrūbī li-l-Iftā’ wa-l-Buḥūt hawla Fīrūs Kūrūnā (COVID-19) / Statement of the European Council for Fatāwā and Research on the Corona virus (Covid-19)*. ECFR 2020a.

ḥağr al-ṣiḥḥī) and isolation (*‘azl*),²⁵ prohibition of entry into and exit from areas where an epidemic is raging, and vaccination (*al-taṭ‘īm*). It is therefore not surprising that in the face of the growing spread of the coronavirus, the ECFR addressed worshippers, imams and mosque staff, urging them to take all precautions deemed necessary to avoid contagion, even going so far as to refrain, if the situation so required, from participating in congregational prayers and from the obligation to perform Friday prayer, an exception deemed permissible if, among other hypotheses, the worshippers are ill or fears for themselves or their family (ECFR 2020a). A little more than two weeks after 11 March 2020, the date on which the WHO issued its statement elevating Covid-19 to pandemic status, the Council urgently convened an extraordinary meeting (*al-dawra al-tāri‘a*) of its work, the 30th, which was held electronically [*bi-taqniyyat (zoom) al-tawāṣuliyya*] from 25 to 28 March 2020. This meeting concluded with the issuance of a final statement (*al-bayān al-ḥitāmī*) entitled *Legal Developments Related to the Corona Covid-19 Virus*,²⁶ which contained 21 *fatāwā* (nos. 1-21) and 10 recommendations (*tawṣiyāt*) (ECFR 2000b), in which it pronounced on the performance of collective prayers, the possibility of anticipating the payment of legal alms (*zakāh*), the obligation to respect quarantine, the prohibition of movement and physical contact, the prohibition of social stigma for Covid-19 sufferers, the prohibition of speculation, and finally on the performance of funeral rites (*aḥkām al-ḡanā‘iz*). At the end of the meeting, the Mağlis announced that they would meet again soon to discuss practices related to the upcoming month of Ramaḍān and to answer any other questions that might arise regarding the Covid-19 (ECFR 2020b). Indeed, the approaching month of Ramaḍān, which was due to begin on 23 April 2020, prompted some Muslims to turn to the Mağlis²⁷ for clarification on fasting (e.g. about the possibility that not drinking liquids during the day might increase susceptibility to infection), the *tarāwīḥ* prayer (which, for example, had to be performed at night, in the mosque, and thus conflicted with the curfew and ban on movement imposed in many countries), the fasting festival (which would have violated the rules on assembly and movement), and so on. In order to dispel these doubts, the Council had to convene a new meeting—in addition to the extraordinary one (*al-ḡalsa al-takmīliyya*) held in March—which was held, again online (*bi-taqniyyat al-tawāṣul al-ṣabakī*), on 13 and 14 April 2020; the results of this second meeting were incorporated in the publication of another final statement entitled *The Rules of Fasting and their Developments in Light of the Covid-19*,²⁸ containing thirteen more *fatāwā* (nos. 22-34) and some recommendations²⁹ (ECFR 2000c).³⁰ However, the content of

25 Islamic law therefore recognises the difference between the confinement of the potentially ill person (quarantine) and the confinement of the diagnosed person (isolation). On the difference between quarantine and isolation, see GENSINI [et al] 2004: 258.

26 *Al-Mustağiddāt al-Fiqhiyya li-Nāzilat Fīrūs Kūrūnā Kūfīd-19*.

27 In all cases, requests for replies were sent to the General Secretariat of the Council [al-Amāna al-‘amma li-l-Mağlis (ECFR 2020b) or al-Amāna (ECFR 2020c)].

28 *Aḥkām al-Ṣiyām wa-Mustağiddātuh fī Ḍaw’ Nāzilat Fīrūs Kūrūnā Kūfīd-19*.

29 Unlike the first document, this one presents the recommendations in an unnumbered list.

30 The Council published the two statements in Arabic, without providing an official translation, effectively making them virtually inaccessible to all those European Muslims who, increasingly, know little or no Arabic. Aware of the limitations that this repeated failure imposes on the usefulness and dissemination of its jurisprudence, the Mağlis, through the mouth of its Secretary General, Ḥusayn Ḥalāwa, thanked

this document does not fully reflect its name: in fact, it deals not only with matters related to fasting (*ṣiyām*) and the month of Ramaḍān, but also with legal almsgiving, pilgrimage (*ḥaǧǧ*),³¹ funeral rites and interest-bearing loans (*al-qurūd al-ribawīyya*).

A look at the content of the opinions issued by the Maǧlis reveals the variety of cases related to Covid-19, on which they have issued opinions, a circumstance that makes them unique in the panorama of European Islamic legal production.³² In fact, in some countries of the Old Continent, individual fatwas have been issued by local Islamic centres and associations on only a few specific issues, mainly the adaptation of the conduct of collective prayers and funeral rites to the anti-Covid rules. Moreover, these *responsa* have a reduced territorial scope than those issued by ECFR, since they are addressed only to Muslims living within the borders of the state and/or region in which they are issued.³³ Conversely, the ECFR's responses are addressed to all European Muslims.³⁴ In view of the above, I have decided to make the Council's jurisprudence on the relationship between coronavirus and religious practice the subject of this article. In particular, this article has three objectives: 1. to identify and describe the solutions adopted by the Maǧlis to adapt religious practice to the restrictions imposed by the Covid; 2. to verify whether the solutions adopted by the ECFR to combat the pandemic are compatible with the provisions adopted by European governments in this regard; 3. to verify whether and in what terms the Islamic jurisprudence produced at the national level (the Italian one) transposes the transnational jurisprudence of the ECFR. In other words, whether global Islam, i.e. "the doctrines developed and practices promoted by transnational religious activists" (GREEN 2020: 1), of which the ECFR is one, has influenced local Islam, i.e. Italian Islam. The focus is on *fatāwā* which refers to collective prayers and funeral rites.³⁵ This choice was dictated by two reasons. First, the impossibility of performing collective prayers and funeral rites³⁶ seems to be what has worried Muslims the most, increasing the need to remedy it. Second, since the Islamic jurisprudence produced in Italy

those who cooperate with the General Secretariat to translate the texts produced into English, French, German and Turkish (ECFR 2000c).

- 31 Only one *fatwā*, no. 31, is devoted to this rite. A believer asked the Council if it was permissible to postpone the pilgrimage until the following year in view of the increasing spread of the coronavirus. The answer was in the affirmative. If it is indeed true that the believers are obliged to perform the *ḥaǧǧ* at least once in their lives, it is also true that it is up to them to decide when, basing this decision on their economic possibilities, their state of health and the absence of factors that could endanger their lives. During the pandemic, this last condition could not be fully met, so the pilgrimage could be postponed until health conditions made it safer.
- 32 Outside Europe, however, the ECFR's jurisprudence is comparable to that of the AMJA in terms of the type and number of subjects covered.
- 33 However, they have a greater chance of actually reaching potential recipients than the ECFRs because they are written in local languages.
- 34 Only recently has there been a survey of the real appreciation of the ECFR among European Muslims (SHAVIT-SPENGLER 2017).
- 35 Instead, for a general overview of the ECFR jurisprudence on Covid, see SONA 2021.
- 36 Given the increasing number of deaths due to Covid-19, it is natural that Muslims have become concerned about the impossibility of complying with many of the rules regarding the treatment of corpses.

has mainly concerned collective prayers and funeral rites, it has been possible to compare the national (Italian) with transnational (ECFR) *fatāwā* on these issues.

Transnational Fatwas: ECFR's Responses Regarding Collective Prayers

In an attempt to prevent gatherings, which were identified as one of the main means of spreading the virus, some states ordered the closure of places of worship, such as the UK (AL-ASTEWANI 2021), while others left them open but banned gatherings, such as France (LICASTRO 2020b; IVALDI 2020), Italy (LICASTRO 2020a) and Germany (BALDINI 2020). For Muslims, the effect of these measures, for the time they remained in force, was to suspend the performance of collective prayers (*ṣalawāt al-ḡamā'a*) in the mosque (*masḡid*, pl. *masā-ḡid*),³⁷ especially the Friday noon congregational prayer³⁸ (*ṣalāt al-ḡum'a*).³⁹ In fact, the obligation for all believers, even those living in non-Islamic countries (AL-LAḠNA 1996: 183, 186), to perform *ṣalāt al-ḡum'a* in a mosque⁴⁰ is the reason why a large number of believers usually congregate in its premises,⁴¹ who, being in close contact with each other,⁴² risk

37 This expression refers to the prayer that is performed by the faithful, at least two/three (the imam and one/two praying people), who gather for this purpose in the same place and at the same time. AL-QAHTĀNĪ 2003: I,410.

38 The Friday prayer is only valid if it is performed at the time for which it is prescribed (*fī waqt al-maṣrū'*), i.e. when the sun begins to set (*hīna tamūl al-šams*). AL-QAHTĀNĪ 2003: II,794-801.

39 Or *ṣalāt al-ḡumu'a* or *ṣalāt al-ḡama'a*. AL-QAHTĀNĪ 2003: II,739.

40 All jurists agree that, with some exceptions, the Friday prayer must be performed in the mosque. On the other hand, the same agreement does not exist for the other collective prayers [the five daily prayers (*al-ṣalawāt al-ḡamsa*), those of the month of Ramaḡān (*ṣalāt al-tarāwīḡ*), the prayer of the two religious festivals (*ṣalāt al-ṭdayni*), the funeral prayer (*ṣalāt al-ḡanāza*), etc.]. Some jurists consider their performance in the mosque to be obligatory (*wāḡib*), while others consider it to be highly recommended action (*sunna mu'akkada*). For example, on the five daily prayers, see AL-QAHTĀNĪ 2003, I:410-411, footnote 4.

41 The likelihood of this happening is greater in the West, where the number of mosques is small. The few *masāḡid* that exist in Paris, for example, cannot accommodate all the worshippers who wish to perform the Friday prayer; to remedy this situation, it was proposed that they be performed twice in succession in the same mosque. The *fuqahā'*, however, considered this solution legally inadmissible (*inšā' ḡum'atayn fī wāḡid masḡid ḡayr ḡā'iza šar'*); the rule (*al-aṣl*), in fact, dictates that only one *ṣalāt al-ḡum'a* may be performed per city. An exception is allowed only if the mosque cannot accommodate all the worshippers or if its location within the city is too far from the area where the worshippers live: in these cases, it is permissible to hold a second prayer, but in another mosque or, in the absence of a mosque, in a private house, in a garden or even in a public square, subject to the permission of the competent authorities (AL-LAḠNA 1996: 262-264). The ECFR has also expressed itself on this point: the proliferation of mosques in which Friday prayers are held in the same area betrays their purpose, which is that of congregation (*al-iḡtimā'*) and convergence (*al-talāqī*) of the believers, and should therefore be banned. The proliferation of *ṣalawāt al-ḡum'a* is one of the reasons why the ECFR did not consider acceptable the proposal to perform the Friday prayer at home rather than in the mosque, which some Muslims had seen as a possible solution to circumvent the ban on congregational prayers in places of worship imposed during the pandemic. *Fatwā* no. 5.

42 In congregational prayers, the worshippers are arranged in horizontal rows behind the imam. The rows must be close (*istiwā' al-ṣufūf*), i.e. there must be no space between one believer and another: the shoulder and heel of the person praying must touch those of the person next to him. AL-ʿUṬAYMĪN 2002: 11.

infected each other and thus contributing to the spread of the virus. In addition to violating the ban on assembly, holding group prayers in the mosque also violated the rules restricting movement: entering the place of worship to pray was not one of the permitted exceptions to the lockdown. It is therefore clear that Muslims found themselves in the difficult position of having to comply with the prohibitions of the political authorities, which prevented them from holding congregational prayers in the mosque, on the one hand, and the religious rules, which required or recommended the latter, on the other.

In order to get out of this *impasse*, some believers turned to the ECFR and asked whether the assumptions on which the above-mentioned prohibitions are based, mainly the protection of life, could also be considered legitimate from an Islamic point of view, i.e. whether they could be counted among those hypotheses for which the religion allows an exception to the performance of *ṣalawāt al-ḡamā'a*. The Maḡlis clearly stated that in view of the lethal (*qātila*) and infectious nature⁴³ of Covid-19 (*intiḡāluḡā min ṣaḡs muṣāb bi-hi ilā ḡayri-hi*) (*Fatwā* no. 14), Muslims, in fulfilling the obligation imposed on them by Islam to protect life (*al-ḡifāz 'alā arwāḡ al-nāfs wāḡib*), their own and that of others (*ḡifāz 'alā al-naḡs wa-l-ḡayr*), are obliged (*yaḡib*) to take all measures (*ḡamī' al-tadābīr*) deemed necessary to prevent the spread of infection (*ḡifāz 'alā arwāḡ al-anḡus min naḡl 'adwā ḡirūs kūrūnā ilayḡā*) i.e. to abide by the decisions of the political and health authorities of the place where they live⁴⁴ (*al-aṣl ḡuwa al-iltizām bi-qarār al-suluḡāt wa-l-munazzāmāt al-ṣiḡḡiyya ḡi madīnatika*), for example, those concerning the prohibition of assembly (*man' al-taḡammu'*) and physical distance (*al-tabā'ud al-ḡasadī*), including the suspension of collective prayers in the mosque, which the ECFR considers not only legitimate but even obligatory (*yaḡib an tu'alliq al-ṣalawāt ḡi l-masḡid ḡi ḡādīḡi l-ḡāla ḡifāz 'alā arwāḡ al-nās*), also because of the exemplary role that mosques must play both in defending life and in complying with the regulations issued by the authorities (*Fatāwā* nos. 3, 5, 6, 7, 12, 14, 16, 19, 22). The primary value that the sacred Texts place on the preservation of life (*dālika l-amr min ḡumlat al-qiyam al-'ulyā*), and the consequent inclusion of this principle among the objectives that the *ṣarī'a* must pursue (*ḡifāz 'alā l-naḡs allatī ḡiya maḡṣad min maḡāṣid al-ṣarī'a*), is the premise of the ECFR's argument that the performance of group prayers must give way to the protection of physical health (*ṣiḡḡat al-ḡasad*). In fact, allowing believers to perform group prayers in the mosque is tantamount to allowing them to create the conditions for contracting and transmitting the virus, thus endangering their lives and the lives of others at risk, in violation of the dictates

43 On the basis of the scientific data available, the ECFR warns that the virus can be transmitted both directly and indirectly. Direct transmission occurs when the distance between the infected person and the healthy person is such that the droplets produced by the former are not prevented from reaching the mucous membranes of the latter; this is why the ECFR has banned the handshakes and hugs that are normally recommended. This decision is based on the tradition that the Prophet avoided meeting a leper for fear of being infected (Muslim 2004: II,477 – *ḡadīḡ* 2231; *Fatwā* no. 15). Indirect transmission occurs when the healthy person comes into contact with an object that has been touched by the infected person, e.g. the door handle in a mosque. *Fatwā* no. 7.

44 The ECFR's call for Muslims to follow the advice of the political/health authorities seems to be shared by the imams and *ṣuyūḡ* (sing. *ṣayḡ*) in many European countries (Bawidamann [et al.] 2021; KÜHLE-LANGHOLM LARSEN 2021; KOSTRCKI-PIWKO 2020), without this of course implying that the decision of the latter is derived from the opinion of the former, a hypothesis that remains to be verified.

of the Qur’ān and Sunnah.⁴⁵ With regard to the Book, the ECFR refers to only two verses—II:195 (“do not throw [yourselves] with your [own] hands into destruction [by refraining]”) and IV:29 (“do not kill yourselves”)⁴⁶—which are not followed by any commentary. However, four traditions (*aḥādīṭ*, sing. *ḥadīṭ*) are reported from the Sunnah. The first, “A sick person should not be taken to one who is healthy” [AL-BUḤĀRĪ 2003: III,92 (*ḥadīṭ* no. 5771); MUSLIM 2004: II,471 (*ḥadīṭ* no. 2221)], is used to support the thesis that holding collective prayers in mosques should be forbidden to all, not just those diagnosed with Covid-19. In fact, medical science has pointed out that among the healthy there may be some who are not actually healthy, i.e. the so-called asymptomatic; the latter, unaware that they have contracted the infection, risk spreading the virus and endangering the lives of others by going to the mosque and coming into close contact with other worshippers. The second tradition cited that is considered authentic (*ḥadīṭ ṣaḥīḥ*), is the one according to which the Prophet said “if you hear that it (plague) has broken out in a land, do not go to it; but if it breaks out in a land where you are present, do not go out escaping from it”;⁴⁷ this *ḥadīṭ* is combined with that from which the general principle of law (*qā’ida ‘amma li-l-aḥkām al-šar‘iyya*) is derived, which states the prohibition of harm: “No harm shall be done either to oneself or to others” (*lā ḍarar wa-lā ḍirār*) (KAMALI 2015: 123-127; ZAKARIYA 2015: 158-172). In essence, the prohibition for Muslims to enter an area where an epidemic is spreading is equivalent to the protection of their own lives, i.e. the prohibition against causing harm (infection) to themselves; the prohibition not to leave the area where an epidemic is spreading is equivalent to the obligation to protect the lives of others, i.e. the prohibition against causing harm (infection). The ECFR added that if this prohibition applies to countries, regions and cities (where it is easier to keep one’s distance), it must apply all the more to smaller contexts, such as a mosque, where it is more difficult to keep one’s distance, thus increasing the chances of contagion. The *ḥadīṭ* in question has also been invoked by the ECFR as a basis (*dalīl*) for legitimising quarantine and lockdown from an Islamic point of view: the Muslim living in the place where these measures are imposed must strictly abide by them, i.e. stay indoors and go out only in cases of force majeure, taking all necessary precautions. The believer who does not abide by these measures is considered a sinner and will have to answer before God

45 The preservation of life is the reason why, for example, believers are not allowed to go to the mosque to pray in the context of war. The Syrian Islamic Council issued a *fatwā* in 2016 entitled *Decision on Friday Prayer in Areas Subject to Bombardment* (*Ḥukm Ṣalāt al-Ġum‘a fī l-Manāṭiq allatī Tata‘arraḍ li-Qaṣf*) in response to a believer who wanted to know whether the residents of Aleppo, threatened by the bombs of the Russian air force, could perform the noon prayer on Fridays instead of the *ḡum‘a*. The Maḡlis declared that performing the Friday congregational prayer in the mosque was an obligation that fell on all *mukallaḡūn* (able-bodied men), “except those who have justification” (*illā man ‘uḍr*). It held that the latter category includes those believers who, because they live in areas of conflict, run the risk of losing their lives in order to go to the mosque; in order to avoid this risk, they must replace the *ṣalāt al-ḡum‘a* with the *ṣalāt al-zuhr* to be performed at home. In fact, the jurists stated that since the preservation of life is one of the objectives of Islamic law (*maqāṣid al-šar‘a*), anything that concerns it constitutes a valid reason for exemption from the obligation of congregational prayer on Fridays. The text of the response in Arabic is available at the following URL: urly.it/3py05 (Last accessed Nov. 17, 2022).

46 The English translation of all verses is taken from al-MEHRI 2010.

47 This tradition is found in the collection of al-Buḡārī (2003: III,83 – *ḥadīṭ* no. 5728) and, with minor differences, in that of Muslim (2004: II,467 – *ḥadīṭ* no. 2218).

(*Fatāwā* nos. 13, 14, 16). The third tradition says “Ibn ‘Abbās said to his mu’addīn on a rainy day: when you utter the words ‘I testify that Muhammad is the Messenger of Allah’, do not say, ‘Come to prayer’ but say ‘Pray at your homes’. By this (announcement) the people were surprised. He said: ‘One who was better than me has done it’”.⁴⁸ The Mağlis used this *ḥadīth* to prove that Muḥammad ordered the ban on going to the mosque to protect the believers from the dangers of bad weather, which could not be compared to the much more serious dangers of pandemic. Therefore, if it was possible to suspend prayers in the mosque because of the damage that the heavy rain might have caused to those who would have gone to pray, then by analogy (*qiyās*), collective prayers must be suspended to prevent the believers, gathered in the place of worship, from becoming infected amongst themselves and, once they leave, from transmitting the coronavirus to others. The last *ḥadīth* used by the Council to support the thesis of the legitimacy of the suspension of congregational prayers is that which lists some of the cases in which the performance of the *ṣalāt* in the mosque may be dispensed with: “Ibn ‘Abbās reported that the Prophet said: If anyone hears him who makes the call to prayer and is not prevented from joining the congregation by any excuse—he was asked what an excuse consisted of and replied that it was fear or illness—the prayer he offers will not be accepted from him”.⁴⁹ Fear of infection—which is quite likely in the case of group prayer, given the physical proximity required for its performance—is sufficient in itself to allow the believer to leave group prayer. (*Fatāwā* nos. 2, 6, 13, 14, 15, 16).

In summary, the Council is of the opinion that the obligation to preserve life, which is the reason why the authorities banned collective prayers at the height of the pandemic, must take precedence over *ṣalawāt al-ḡamā’a*, since the performance of the latter in a mosque is classified as a strongly recommended act (*sunna mu’akkada*):⁵⁰ between the fulfilment of an obligation and the fulfilment of a strongly recommended act, the former always takes precedence. However, the ECFR holds that the obligation of believers to preserve their own and others’ existence must also take precedence over the fulfilment of another obligation, that of performing *ṣalāt al-ḡum’a* in the mosque: in this case the order of precedence is explained by the fact that the first obligation is to be regarded as an exception (*ruḥṣa*) to the second. Indeed, in several cases the Qur’ān allows believers to deviate (*tark*) from the strict obligations (*‘azīma*)⁵¹ to which they are bound, in the name of preserving life. By way of example, the Mağlis refer to Q. XVI:106⁵² and II:184:⁵³ the former states that the life of a person who

48 The Mağlis, in *Fatāwā* no. 16, stated that this tradition conveys a general command which, as such, has the value of an obligation (“*hādā l-amr wa-l-amr al-muṭlaq yufid al-wuḡūb*”).

49 This tradition is contained in Abū Dāwūd’s collection of *aḥādīth* (2015: 76 – *ḥadīth* no. 551).

50 By *sunna mu’akkada*, the Mālikis mean “that which [if performed] multiplies the reward”; the Ḥanafī, on the other hand, define it as “that to which the Prophet devoted himself with constancy, except for occasional omissions”. It is considered “*ka-l-wāḡīb*”, i.e. on a par with an obligatory act, with the difference, however, that failure to perform the latter is punishable, while failure to perform the former is not. BUĞAYB 1988²: 185.

51 On the concept of *‘azīma* and *ruḥṣa*, see KAMALI 2003: 436-438.

52 “Whoever disbelieves in [i.e., denies] God after his belief... except for one who is forced [to renounce his religion] while his heart is secure in faith. But those who [willingly] open their breasts to disbelief, upon them is wrath from God, and for them is a great punishment”.

53 “Fasting for] a limited number of days. So whoever among you is ill or on a journey [during them] - then an equal number of days [are to be made up]. And upon those who are able [to fast, but with hardship] -

has renounced Islam under duress, thus breaking the obligation “to persist in his faith until death”, will be spared (KAMALI 2003: 437); the latter, on the other hand, recognises the possibility for the sick believer to escape the imposition of fasting that must be observed during the month of Ramaḍān by postponing it until conditions permit (*Fatwā* no. 3).

The decision to legitimise the suspension of collective prayers is followed by an indication of the legally permissible alternative form (*badā'il šar'iyya*) by which they may be performed (*Fatwā* no. 3). In principle, all collective prayers that are recommended to be performed in the mosque (*ṣalāt al-tarāwīḥ*, *Fatwā* no. 24; *ṣalāt al-īdayni*, *Fatwā* no. 25) are to be performed at home (*adā'ihā fī l-buyūt; tuqām ṣalāt al-tarāwīḥ fī l-buyūt; lā ba's an yuqīm ahl kull bayt ṣalāt al-īdayni fī makānihim*) and only those who live there (*al-ṣalawāt al-ḥamsa ḡamā'a ma'a ahl bayti-ka*) should take part, choosing as their imam the person who knows the Qur'ān and the manner of performing the prayer best; all this, of course, in accordance with the rules laid down by the authorities. On the other hand, with regard to the *ṣalāt al-ḡum'a* (Friday prayer), which must normally be performed in the mosque, the Maḡlis ruled that it should be replaced by the obligation to perform the noon prayer (*ṣalāt al-zuhr*) at home.⁵⁴ This ruling was a negative response to those who had questioned the possibility of performing the Friday prayer at home. There are several reasons why this hypothesis was considered inadmissible, which can be summed up in the fact that the discipline of *ṣalāt al-ḡum'a*, including the place where it is to be performed, is clearly established by direct and indirect revelation, the Qur'ān and the Sunnah, and is thus beyond any kind of interpretation and change. This is evidenced by the fact that from the time of the Prophet to the present there have been several instances when the performance of the Friday prayer had to be suspended, but no one ever suggested that it should be performed in a place where neither Muḥammad nor the generations of Muslims after him had performed it. In fact, although the Prophet had the opportunity to perform the *ṣalāt al-ḡum'a* at home on several occasions, he never did so (*Fatwā*, no. 5).⁵⁵

The Council stated that the suspension of congregational prayers in the mosque should have lasted until the reason for which the measure was taken had ceased to exist (*Fatwā*, no. 5). In fact, it held that it was inadmissible to perform the *ṣalawāt al-ḡamā'a* even if a physical distance of one metre was guaranteed between the prayers. According to the ECFR, prayers

a ransom [as substitute] of feeding a poor person [each day]. And whoever volunteers good [i.e., excess] – it is better for him. But to fast is better for you, if you only knew”.

54 Under normal circumstances, the *ṣalāt al-zuhr* is recited every day at noon (the time from which it takes its name), except on Fridays, when the *ṣalāt al-ḡum'a* is recited at the same time instead. The two prayers differ not only in the day on which they are recited, but also in the way they are performed and the function they serve. AL-QAHTĀNĪ 2003, vols I and II.

55 Several believers have asked the ECFR for its opinion on the possibility of performing *ṣalāt al-ḡum'a* at a distance, particularly through the use of social media. Despite the fact that international health organisations have invited “religious leaders” to perform collective rites “through distance, live streaming, and video technologies” (WHO 2020), the response of the Maḡlis has been negative. For reasons of space, it is not possible to elaborate on this point; suffice it to say that among the reasons on which the Council based its decision were the non-derogation of the rules governing the performance of *ṣalāt al-ḡum'a* (e.g. the believers and the imam must necessarily gather physically in the same place) and the fear that believers would continue to prefer the virtual dimension to the physical one even after the pandemic (*Fatwā*, no. 4).

performed in this way not only violate the rules governing their performance (including, for example, the rule that there should be no space between prayers), but also do not sufficiently protect the prayers from the possibility of contagion through indirect contact (frequenting the same places, touching the same things, etc.) (*Fatwā* no. 7). Sufficient physical distance between worshippers, on the other hand, was one of the main conditions imposed by the authorities in several European countries for the possibility of holding collective prayers, once the spread of the virus had been slowed down.⁵⁶ In a way, therefore, it seems that the Mağlis not only supported and endorsed the anti-Covid measures taken by the political and health authorities, but in some cases took even more stringent measures.⁵⁷

Transnational *Fatāwā*: the ECFR's responses on funeral rites⁵⁸

On 11 March 2020, WHO declared that the spread of the Covid-19 had reached pandemic status (more than 118,000 infected people in 114 countries and 4291 deaths); two days later, it declared that Europe had become the epicentre of the pandemic, with more infections and deaths than the rest of the world (except China) (WORLD HEALTH ORGANIZATION 2020a; WORLD HEALTH ORGANIZATION 2020b).

The ever-increasing number of deaths prompted international health authorities to quickly identify measures to contain the spread of the virus, including those related to the safe handling of the bodies of people who had definitely or presumably died from Covid-19. With regard to the latter, the aim was to avert the hypothesis that the body of the deceased could be the source of infection for those who came into contact with it in various capacities (coroners, mortuary staff, funeral directors, families, etc.). This possibility is not scientifically excluded, but is considered to be remote,⁵⁹ and is essentially linked to the case where the living person had direct contact with the surface of the body of the person who died with or from Covid-19⁶⁰ or with the fluids and/or secretions leaking from it. Given the uncertainty surrounding the actual occurrence of this form of infection, international health authorities considered that standard precautions would be sufficient to prevent it, i.e. the use of personal protective equipment (PPE: coat, gloves, face shield, goggles, mask, disposable shoe covers, etc.) and hand washing. They also considered that by following these instructions it would be possible for anyone (mortuary staff, funeral directors, undertakers, families, etc.) to

56 One example is the protocol signed by the Italian Ministry of the Interior has concluded with the Islamic communities, which stipulated that there must be a safety distance of at least one metre between those praying.

57 This applies not only to collective prayers but also to certain matters relating to funeral rites.

58 The dead Muslims have four rights towards their living brothers and sisters: washing (*gusl*), wrapping in a certain number of cloths (*kafan*), the funeral prayer (*ṣalāt al-ḡanāza*) and burial (*dafn*). The literature on Islamic funerary practices is extensive. For the purposes of this paper, the main references were al-ĞAZĪRĪ 2002: I, 455-491; al-QAHTĀNĪ 2002; al-TĪYYĀR 2012²: I,455-512; IX,71-80. For an overview of the management of the dead related to Covid-19, see AL-DAWOODY 2021.

59 In contrast, Ebola and Marburg viruses have been shown to be transmitted from the deceased infected person. USSAI [et al.] 2020: 1.

60 Considered potentially infectious in the hours immediately following death.

proceed with the preparation of the body.⁶¹ The latter refers to all the operations carried out before burial in accordance with custom or the rules of the religion to which the deceased belonged. The preparation of the corpse had to take place preferably at the place of death (hospital or home); this choice was due to the need to reduce as much as possible the causes that could have led to the release of fluids and secretions from the corpse, which were considered particularly contagious, one of which was certainly the shaking of the corpse caused by the transport. The display of the remains for the last rites by relatives/friends/community members was permitted, provided that they refrained from touching and kissing the relics and kept a minimum distance of one metre. The deceased had then to be transported in a body bag or coffin to the place of burial or cremation,⁶² which had to be carried out with the use of PPE and washing of hands at the end of the operations. Finally, it was recommended that all funerals should be postponed until the epidemic was over; if this alternative was not feasible, then as few people as possible should attend the funeral, provided they wore masks and stood one metre apart (WORLD HEALTH ORGANIZATION 2020d;⁶³ ICRC FORENSIC UNIT 2021; EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL 2020; INTERNATIONAL LABOUR ORGANIZATION 2020: 16); those who were not allowed to attend the funeral prayer to avoid forming a crowd could do so *in absentia* (WORLD HEALTH ORGANIZATION 2020e: 7). The WHO also urged the cooperation of religious leaders, local religious communities and religious organisations to adopt the measures it recommended to combat the spread of the virus and to promote their acceptance and respect by their brothers and sisters in faith. In fact, according to the WHO, believers were more likely to accept and follow the instructions of their religious authorities than those of rulers and health authorities. This is partly because believers sometimes place greater trust in their religious authorities than in government and health authorities, and partly because the instructions of the former, being based on religious doctrines and teachings, have a greater influence on believers than civil instructions (WORLD HEALTH ORGANIZATION 2020e: 4).

The viability and effectiveness of the recommendations issued by international health authorities—including those on safe body disposal and respect for the funeral rites of the religion of the deceased—depend on the willingness of states to adopt them. Many countries have adopted them in their original form, while others, especially at the onset of the pandemic, have tightened them, severely restricting religious freedom (DU PLESSIS 2020; CORBIN 2020; MARTÍNEZ-TORRÓN 2021; MAZURKIEWICZ 2021). In Europe, France⁶⁴ and

61 These operations had to be carried out on as few people as possible. People over the age of 60, people with weakened immune systems, people with respiratory or heart disease, and people with diabetes were not allowed to take part.

62 The need to prevent the spread of the virus is at the root of the measures to drastically restrict freedom of movement both internally and internationally, by preventing the repatriation of remains. WORLD HEALTH ORGANIZATION 2020c.

63 This guide was updated on 4 September 2020 and is available at the following URL: urly.it/3dnjp.

64 On the limits of religious freedom resulting from anti-Covid rules in France, see: FORNIEROD 2020; IVALDI 2020; DIEU 2021; TAWIL 2021.

Italy are certainly worth mentioning.⁶⁵ In both cases it was decreed that the deceased infected, or likely to be infected with Covid-19, had to be placed in a coffin (France)⁶⁶ and/or a body bag (Italy),⁶⁷ as soon as possible, with no provision for “preparing” the body for and/or performing the last rites. Italy also introduced a ban on religious ceremonies, including funerals,⁶⁸ and the closure of cemeteries to the public.⁶⁹

The longest *fatwā* on funeral rites is no. 19, entitled *The Funeral Rules in the Light of the Crisis [arising from] the Corona[virus]*.⁷⁰ The *mustafī*⁷¹ asked the ECFR how Muslims should treat the bodies of their deceased co-religionists, given that the exceptional nature of the moment (*al-zurūf al-ṭāriʿa*) made it impossible for them to perform some of the funeral rites (washing, wrapping in the shroud, prayer)⁷² that they were obliged to perform under normal conditions (*al-aḥwāl al-muʿtāda*). Before giving a precise answer to the question posed to it, the Maḡlis gave a brief introduction in which it clarified the three elements on which its opinion was based and which helped to understand its scope. First, it stressed that the content of a *fatwā* depends on the time, place and specific situations in which it is issued; this explains why jurists sometimes propose different solutions to an identical problem, precisely because of logistical, temporal and circumstantial contingencies.⁷³ In essence, the successful application of a rule cannot ignore the actual assessment of the situation of the

65 On the limits of religious freedom resulting from anti-Covid rules in Italy, see: ALICINO 2020; COLAIANNI 2020; CONSORTI 2020; COLAIANNI 2020; FUCILLO - ABU SALEM - DECIMO 2020; LICASTRO 2020; MACRÌ 2020; MONTESANO 2020; PACILLO 2019; PACILLO 2020.

66 “Les défunts atteints ou probablement atteints du covid-19 au moment de leur décès font l’objet d’une mise en bière immédiate. La pratique de la toilette mortuaire est interdite pour ces défunts”. Décret n° 2020-384 du 1er avril 2020 (art. 12-5). This document is available at the following URL: urly.it/3dp8p (Last accessed Apr. 14, 2021).

67 “Prior to the arrival of the funeral transport staff, the health care personnel shall ensure that the deceased is isolated in a sealed, externally disinfected waterproof bag in order to minimise the risk of contamination during coffin handling. In the case of death outside healthcare facilities, if the deceased has not already been isolated in a sealed, disinfected waterproof bag, the funeral transport staff must ensure that the deceased is wrapped in a sheet soaked in disinfectant to minimise the possibility of contact”. MINISTERO DELLA SALUTE-DIREZIONE GENERALE DELLA PREVENZIONE SANITARIA 2020: 3.

68 Decree of the President of the Council of Ministers of 8 March 2020 (Art. 1, co. 1, lett. i). This document is available at the following URL: urly.it/3dqg5. Decree-Law no. 19 of 25 March 2020 (Art. 1, co. 2, lett. h). This document is available at the following URL: urly.it/3dq7k (Last accessed 5 April 2021).

69 “Cemeteries should be closed to the public in order to avoid the possibility of infection due to the congregation of visitors”. Ministero della Salute-Direzione generale della prevenzione sanitaria 2020: 5. However, from May 2020, “funeral ceremonies will be allowed in cemeteries with the exclusive participation of the relatives of the deceased and, in any case, up to a maximum of fifteen people designated by the entitled persons, preferably outdoors, wearing respiratory protection and strictly observing a safety distance of at least one metre between people”. MINISTERO DELLA SALUTE-DIREZIONE GENERALE DELLA PREVENZIONE SANITARIA 2020a.

70 The Arabic title is *Aḥkām al-Ġanāʿiz fī Zill Azmat Kurūnā*.

71 We know almost nothing about the believers who have turned to the Maḡlis for advice. In fact, in the *fatāwā* the ECFR does not add any information (age, sex, nationality, place of residence, etc.) to what can sometimes be deduced from the question put to it.

72 However, burial was possible.

73 The adaptation of the *fatwā* to time and place is one of the cardinal principles of the methodology followed by the ECFR. Fundamental in this regard are the works of Yūsuf al-QARADĀWĪ (1988; no date).

Muslims to whom it is addressed. That is why, at the beginning of the first meeting, in order to make decisions that would take into account of the current pandemic, the members of the Mağlis listened to the opinions of four doctors⁷⁴ who informed them, among other things, about the existing problems of prevention and contagion, as well as of the treatment of the ceased Muslim. The hearing of these doctors showed that it was essential for the Council to integrate religious knowledge with scientific knowledge. The need to ground the *fatwā* in the context in which it is to be applied also emerges from the second clarification the Council made at the beginning of its response, namely that Islamic jurisprudence (*al-fīqh al-islāmī*) provides a set of principles (*ḡumla min al-qawā'id*) elaborated on the basis of an inductive reading (*buniyat 'alā istiqrā'*) of the Qur'ān and the Sunnah, whose application can be resorted to deal with exceptional circumstances and cases of necessity (*al-zurūf al-istiṭnā'iyya wa-hālāt al-darūra*), of which the circulation of Covid-19 is certainly an example. In particular, the Mağlis cite three principles: “necessity makes lawful what is not lawful” (*al-darūrāt tubīḥ al-maḥzūrāt*), “difficulty leads to facilitation” (*al-maṣāqqa taḡlib al-taysīr*), and “there is no obligation except for that which can be discharged” (*lā taklīf illa bi-maḡdūr*). The final criterion considered by the Council in its response was the need to comply with the laws and regulations enacted by the state and the competent authorities to combat the virus,⁷⁵ in response to the appeal made by international health authorities to religious leaders in this regard. By adopting this criterion, the Council opposed those Muslims, fortunately few in number, who instead called for disobedience to anti-Covid measures that violated religious rules. According these Muslims since everything depends on God it is He who should be feared and not the disease, hence the need to give priority to religious obligations rather than health obligations.⁷⁶

As for the content of the Council's response, it is divided into three parts.

The first deals with issues related to the washing (*ḡusl*) of the body of a deceased Muslim from Covid-19. The *ḡusl* consists of performing a series of actions aimed at purifying the body of the deceased. Bearing in mind that there are differences related to the different doctrinal orientations followed by Muslims, these operations can be summarised as placing the corpse on an elevated surface, undressing it and covering its *'awra* (i.e. the parts of the body that must not be seen, for men from the navel to the knees, for women the whole body except the face, the hands and the feet; in this regard, it is good to remember that the person performing the washing must be of the same sex as the deceased, except for the husband to the

74 A virologist, an anaesthetist and two internists specialising in acute medicine, cardiology and general medicine.

75 To emphasise the importance of collective responsibility, the Council mentions in *Fatwā* no. 2 (*Wazīfat al-Dīn fī l-Ta'āmul ma'a l-Frūsāt wa-l-Kawāriṭ / The Role of Religion in Dealing with Viruses and Disasters*), a tradition of the Prophet quoted by Buḡārī: “The example of the person who abides by Allah's orders and restrictions compared to those who violate them is like the example of those persons who drew lots for their places in a boat. Some of them were placed in the upper part and the others in the lower part. When the latter needed water, they had to go up to get it (and this annoyed the others), so they said: Let's make a hole in our part of the bot (and get water) so that those above us are not disturbed. So, if the people in the upper part let the others do what they had proposed, all the people in the ship would be destroyed, but if they prevented them, both parties would be safe”. Al-BUḡĀRĪ 2003: I,547 (*ḡadīṭ* no. 2493).

76 For the positions of Islamic religious authorities on the coronavirus measures taken by political and health authorities, see BELHAJ [et al.] 2020.

wife, and vice versa, and for children under the age of seven). Place one hand behind the neck and push the upper part of the body until it reaches a sharp angle; with the other hand apply gentle pressure to the abdomen to induce the expulsion of any residual urine, faeces or other substances. Wash the private parts (not by direct contact, e.g. by using gloves or running the hand over the fabric covering them). Perform minor ablution (wash hands, mouth, nostrils, face, arms up to the elbows, head and then feet). Wash the whole body (at least once; if necessary, the washing can be repeated several times, as long as the number is odd: 3, 5, 7, etc.). Wash the right side of the body first then the left, from top to bottom, then from head to toe. The water used for washing must contain lotus leaves or, if these are not available, soap. Camphor or a little perfume should be added to the water used for the last washing. Dry the body and sprinkle it with perfume. For women with long hair, braid it and pull it down behind the neck. If there is no water, the washing can be done dry (*tayammum*), i.e. by placing the hands on the earth/sand/stone and wiping the face, back and palms down to the wrists. From this brief description, it is possible to deduce the reason why the Council was asked to give its opinion: the correct performance of washing, whether with water or dry, does indeed presupposes direct contact with the body, which is one of the possible, albeit remote, causes of infection.⁷⁷ On this point, the Mağlis, after hearing the medical opinion, was clear and

77 This is not the first time that jurists have been asked to give their opinion on the performance of the washing of the bodies of those who have died of an infectious disease, a case that has arisen several times in history, long before the spread of the coronavirus. If I confine myself to the present day, the debate has recently focused on those who have died of AIDS and Ebola. The analysis of these two cases has clearly shown how jurists have based their decisions on the contagiousness of the corpse. The Permanent Commission for Scientific Research and Fatwas of Saudi Arabia, for example, issued a *fatwā*, no. 14658, in response to a request for clarification from the Director of the Department of Religious Affairs of the Armed Forces regarding the handling of the bodies of people who had died of “highly contagious diseases” (*ḥālāt mu’diya ǧidda*)—including AIDS (*ḥālat naqṣ al-manāʿ – maraḍ al-īdz*)—and who, for this reason, were sometimes left in the cold rooms of the morgue: should *ḡusl* or *tayammum* be performed on these bodies? And if *tayammum* was allowed, could it be performed on the bag in which the corpse was locked rather than touching the corpse, since it was contagious? The Commission replied that AIDS is an infectious disease that can only be transmitted between living persons, i.e. the sick person who transmits it and the healthy person who is infected must both be alive; on the other hand, transmission between a deceased person and a living person is not possible. Therefore, it said that the body of the person who has died of AIDS must be washed in the same way as any other deceased person. AI-LAĞNA 2005: I,279-280. The Qatari website Islamweb.net, which is Salafi in orientation, published on 19 October 2004 a *fatwā*, no. 88742, entitled *Washing corpse of AIDS victim*, in which it states that AIDS is a disease that is transmitted “through the blood, other bodily fluids, or through sexual intercourse” and not through simple contact with the body of the affected person, thus suggesting that washing of those who have died of/with this disease should be performed regularly. However, the final word rests with the doctors: if they deem it dangerous to perform *ḡusl*, then *tayammum* must be performed. This *fatwā* can be read at the following URL: urly.it/3p07n (Last accessed Jan. 12, 2021). For an overview of the performance of *ḡusl al-mayt* in cases of AIDS deaths see al-ŠAHRĪ 1430: 209-226. With regard to the Ebola virus, on the other hand, in 2015 in Morocco, at the request of the Ministry of Health, the section of the Supreme Scientific Council responsible for issuing *fatāwā* issued a response, based on the Māliki doctrine, declaring lawful the burial of those who had died of/with this disease without washing them beforehand. The reason for this decision was the contagiousness of the corpse: it had been scientifically proven that the person who had died of Ebola remained infected after death and continued to spread the virus; those who came into contact with him, for example to provide *ḡusl*, therefore ran a serious risk of becoming infected. In essence, for the Muslim, the prohibition on washing the bodies of those who had died from/with Ebola was an obligation to take all necessary preventive measures to protect life. Some Arabic excerpts of this *fatwā*

categorical: the body of the Muslim infected with Covid-19 must be buried, closed in the body bag (*kīs*) or coffin (*tābūt*) in which it was transported from the hospital to the place of burial, without undergoing either washing or *tayammum*,⁷⁸ even if the law permits it (“al-mağlis ... intahā ilā tarğṭh dafn al-mayyit ... bi-l-kīs wa-fī l-tābūt ... dūna tağsīl aw tayammum ḥattā in samuḥa bi-hi qanūn^{am}”). There are several considerations on which the Council explicitly based its opinion. The reasoning that led the Mağlis to lean towards the prohibition of *ğusl al-mayt* in times of pandemic began with a brief description of the status that the doctrine accorded to the latter. With regard to the washing of the deceased, two doctrinal orientations have in fact emerged: the first, which reflects the opinion of the majority of jurists, considers it obligatory (*wuğūb*); the second, which reflects the opinion of some Māliki and Ḥanafī *fuqahā*,⁷⁹ places it in the category of particularly recommended acts (*sunna mu’akkada*).⁷⁹ It would have been enough for the Council to point to the divergence of the jurists (*iḥtilāf bayna l-fuqahā*) on the regulation of the institution in question and the existence of a doctrine (a minority doctrine, of course, but no less valid for that) that identifies *ğusl al-*

can be read at the following URL: urly.it/3p0fk (Last accessed May 12, 2021). On 2 March 2015, the Assistant to the Grand Muftī (Musā’id al-Muftī al-’āmm) of the Sultanate of Oman, Kahlān bin Nabḥān al-Ḥarūsī, issued a ruling on the burial of people with Ebola. The applicant was a specialist in infectious diseases at the General Directorate of Health Affairs of the Ministry of Health. After recalling the rights of the deceased and the fact that one of the objectives of Islam is the preservation of life, al-Ḥarūsī stated that a balance between the right of the deceased, who had certainly died of Ebola, to be washed and the need to prevent the spread of the virus could be achieved by entrusting the performance of the *ğusl* to a team of doctors who, because of their expertise in infectious diseases, would certainly perform it while taking the necessary precautions to prevent contagion. If for some medical reason it was not possible to wash, it was sufficient to spray the whole body with water, thoroughly. If even that was not possible, the alternative was *tayammum*. The Arabic text of this response can be found in Sultanate of Oman - Directorate General for Disease Surveillance and Control and Department of Infection Prevention and Control 2014: 44-46. On 14 May 2014, the Egyptian Dār al-İftā’, in the person of Grand Mufti Šawkī Ibrāhīm ‘Allām, also expressed its opinion on the washing of Ebola corpses, and was asked whether it is obligatory to wash the bodies of people who have died of Ebola, despite the WHO’s advice that it is not advisable to wash the bodies of those who had died of Ebola in order to prevent the spread of virus. In his long and eloquent response, the Mufti reached a similar conclusion to the Moroccan response: washing the dead is derogatory if it constitutes a source of danger to the life of the person performing it. The Egyptian *fatwā*, however, was notable for one particularly important point that sparked a heated debate: it actually identified the cremation of the bodies of those who had died from/with Ebola as a means of combating the spread of the virus, contrary to the overwhelming majority of jurists who consider it strictly forbidden, even in the event of an epidemic. The *fatwā*, entitled *Tağsīlu al-Mutawaffi bi-Maraḍi al-İbūlā (The Washing of the Ebola-infected Dead)*, can be consulted, in Arabic, at the following URL: urly.it/3zbgh (Last accessed Sept. 7, 2022).

- 78 In general, many jurists consider that *ğusl* is not due for: non-Muslims, Muslims who have died in battle (considered martyrs), the impuberal, the foetus in which the soul has not yet been infused (i.e. died before the fourth month) and the corpse whose condition is such that washing, with water and/or dry cleaning, would damage it (in the case of severe burns, for example) or is not possible (if the corpse is crushed, for example).
- 79 Taking up a well-known doctrinal fact, the Council attributes the divergence among the jurists on the subject of *ğusl al-mayt* to the different value they attach to the traditions concerning it: those *fuqahā* who do not regard it as obligatory consider that the *aḥādīṭ* in question have not a prescriptive but a pedagogical value, i.e. they would only have the function of teaching the manner in which it should be performed. For a concise but effective reconstruction of the legal debate on the status (obligation or recommendation) of washing the dead, see al-AḤMĀDĪ 2020: 236-241.

mayyit as an enhanced recommendation, and therefore inherently derogatory rather than obligatory in order to legitimise its opinion; however, this was not the case. In fact, the Mağlis openly expressed its support (*al-rāğih*) for the first opinion, which identified the *ğusl/tayammum* of the deceased as a collective obligation.⁸⁰ However, it hastened to specify that such a duty must be fulfilled only in normal circumstances (*fī l-aḥwāl al-ṭabīʿiyya*), and may instead be disregarded (*yağūz tark al-tağsīl wa-l-tayyamum*) in the presence of exceptional circumstances (*fī l-aḥwāl al-istiṭnāʿiyya*), such as the spread of a pandemic (*ka-awqāt al-awbiʿa*), and in the specific case of Covid-19, the lethal nature of which it acknowledged (*qātila*) (*Fatwā* no. 14). For the Council, subjecting those called upon to wash to the risk of infection and possible death is a violation of the principles of law (*al-qawāʿid al-fiqhiyya*) and of Qurʾānic and *aḥādīṭ* injunctions (*al-nuṣūṣ al-šarʿiyya*),⁸¹ which give priority to preserving the life of the living and healthy person (*al-muḥāfaẓa ʿalā hayāt al-hayy al-šaḥīḥ*) over (*qad-dama ʿalā*) carrying out the recommendations (*sunna*) or fulfilling the prescriptions (*al-wağāʿib*) laid down for the deceased. The duty of believers to protect life, their own and that of others (“... ḥifāz ʿalā l-nafs wa-l-āḥirīn ...”) (*Fatwā* no. 16), is one of the objectives of the law (“... ḥifāz^{an} ʿalā l-nafs allatī hiya maqṣad min maqāṣid al-šarʿa”) (*Fatwā* no. 14) and it is from this theory that the Mağlis draw the grounds for its decision.⁸² The *maqāṣid al-šarʿa*, the pursuit of which constitutes a valid basis for the elaboration of a rule, are divided into three categories in descending order of importance: necessities (*darūriyyāt*), needs (*ḥāğiyyāt*) and accessories (*taḥsīniyyāt*). Preserving life falls under the first category, while washing falls under the accessories, hence the priority given to the former over the latter. The indication not to perform the *ğusl* of the corpse affected by Covid-19 also derives from the need to give priority to the protection of a public interest, i.e. preventing the spread of the virus among the population,⁸³ over respect for the rights of an individual, specifically the right of the deceased to be washed.⁸⁴

Another consideration on which the Mağlis based its decision to discourage the performance of *ğusl/tayammum*, even if the law of the area in which the Muslim resides permits it, is aimed at protecting the health of those who are called upon to perform these operations: if it is indeed true that the use of PPE reduces the possibility of infection among those who perform the washing, it is also true that not all those called upon to perform these operations know how to use them correctly and thus run the risk of becoming sick. Moreover, if the virus has spread among medical staff who have competently followed strict safety protocols,

⁸⁰ An obligation is defined as one that falls on the entire Islamic community (*umma*); it is considered fulfilled when at least one of its members fulfils it, exempting all others from doing so.

⁸¹ The locution *nuṣūṣ al-šarʿa* denotes those verses and *aḥādīṭ* that contain an explicit rule. On the concept of *naṣṣ*, see KAMALI 2013: 123-127.

⁸² The Council has used this theory to justify many of its opinions over the years. On the *maqāṣid al-šarʿa* see, among others, KAMALI 1999; OPWIS 2017; DUDERJA 2014; AUDA 2007; IBN ASHUR 2013; NASERY 2018.

⁸³ The aim is not only to prevent people who do the washing from becoming infected, but also to prevent them, once infected, from passing the virus on to others.

⁸⁴ Al-Ğudayʿ clearly expressed himself in these terms in a *fatwā* issued in his personal capacity on 20 March 2020. This opinion, which is essentially the same as that issued by the ECFR, is available at the following URL: urly.it/3dxfq (Last accessed May 15, 2021).

why would it not also spread among those who “prepare” the deceased, given that they do not have the same expertise and preparation as doctors, nurses and paramedics?

The Council then wanted to reassure the relatives of the deceased, and all Muslims in general, that they would not be blamed for not performing *gusl*, so that they would more readily accept its decision and that of the government and health authorities of those countries that had banned the washing of the deceased. In fact, there was a danger that the latter’s instruction would be disregarded by the faithful, who were afraid of becoming sinners by not fulfilling the obligation of *gusl*.

Finally, the Mağlis, relying on a tradition of the Prophet,⁸⁵ claimed that the Muslim who died with or for Covid-19 would assume the rank of martyr before God (“annahū bi-manzilat al-šahīd ‘ind Allāh”).⁸⁶ Without saying so, the Council ascribed the deceased who died for/with Covid-19 to the typology of the martyr of the other world (“šahīd al-āḥira”), which is accorded to those who lose their lives in certain circumstances, for example during an epidemic, in which it apparently saw an analogy with the coronavirus.⁸⁷

In the second part of *Fatwā* no. 19, the Council deals with issues related to the funeral prayer,⁸⁸ which are also dealt with in *Fatāwā* nos. 26, 27 and 28. Before burying the dead, it is obligatory to recite *ṣalāt al-ḡanāza*, which, like washing, is a collective obligation. There are two problems in performing this prayer. First, since it is a congregational prayer, it requires the presence of a number of people (the imam and the worshippers lined up behind him), whose gathering would result in a congregation, which is forbidden by the authorities. Secondly, it must be recited in the presence of the corpse, i.e. before the coffin, in which the remains are placed, is closed and buried; this practice, however, was contrary to the regulations of the authorities, which in many cases required that the infected corpse be immediately closed in a *body bag* or coffin. The Council believes that congregation can be avoided by having the maximum number of people permitted by law participate in the prayer,⁸⁹ even if it is only three or even one (in the latter case, it recalls the opinion of the Ḥanafi, Šāfi‘i and Ḥanbali schools of law that the duty of funeral prayer is to be considered fulfilled even if it is performed by a single believer).⁹⁰ On the other hand, Muslims who live in places where it was impossible to perform the *ṣalāt al-ḡanāza*—because funeral ceremonies have been banned altogether or because the body of the mourner has been made immediately

85 “... if one in the time of an epidemic plague stays in his country patiently hoping for Allah’s Reward and believing that nothing will befall him except what Allah has written for him, he will get the reward of a martyr”. AL-BUḤĀRĪ 2003: II,171 (*hadīṭ* no. 3474).

86 The ECFR also reiterated this statement in *Fatwā* no. 16, regarding a woman who died of Covid-19.

87 The community must fulfil the same obligations towards these martyrs as it normally does towards any other Muslim deceased; therefore, unless there was no remote possibility that Covid-19 could be transmitted from the dead to the living, the victims of the virus had to be *gusl* anyway. In contrast, for martyrs who died in battle (called “of this world and the next” / “šahīd al-dunyā wa-l-āḥira”) only burial is obligatory. For the definition and the different types of martyrs in the four Sunni legal schools, see al-ĠAZĪRĪ 2002: I,479-481.

88 However, there is no reference to wrapping in the burial shroud (*kafan*). It is easy to assume that it should not be done, as it carries the same risk of infection as washing.

89 In France, for example, the maximum number of people allowed to attend a funeral is 20 (Décret n° 2020-293 du 23 mars 2020, art. 8).

90 This is also the view of some Salafi jurists, e.g. al-‘UṬAYMĪN 2003: XVII,148.

unavailable—may resort to prayer *in absentia* (*ṣalāt al-ġāʿib*). It consists of the prayer that Muslims may recite in exceptional cases when the remains of the deceased are not present. Some jurists base the legitimacy of this prayer on the tradition that the Prophet Muḥammad, upon hearing of the death of the Abyssinian Negus, had the funeral prayer recited for him even though his body was in Africa,⁹¹ where probably no one had performed the *ṣalāt al-ġanāza*.⁹² What distinguishes the *ṣalāt al-ġanāza* from the *ṣalāt al-ġāʿib* is that the former must necessarily be performed before burial and in the presence of the deceased, conditions that could hardly be met in the most acute phase of the pandemic, whereas the latter is performed in the absence of the body and possibly even after burial, requirements that are certainly more compatible with anti-Covid-19 measures. What the two types of prayer have in common, however, is their congregational character,⁹³ so that in both cases the prayer must be performed in compliance with the rules on the prohibition of congregation (*Fatwā* no. 26). In order to circumvent the latter, some Muslims asked the Council for an opinion on the possibility of performing the prayer *in absentia* using the internet. The Maḡlis replied in the negative: prayer offered in this way does not meet some of the conditions considered indispensable for its validity. For example, congregational prayer requires that the imam and the worshippers meet in person in the same place (mosque, prayer hall, etc.) and that the worshippers follow the imam in the tasks to be performed. In virtual prayer, on the other hand, there is no physical co-presence and, above all, there is a risk that imam may find himself following the believers rather than leading them in the performance of the prayer, due to possible problems with the internet connection. Some believers then raised the question of what kind of prayer should be held if the authorities of the country where they lived made cremation compulsory for all those who had died from or with Covid-19.⁹⁴ The Council decided that in such a case the *ṣalāt al-ġanāza* should be recited before cremation, in the presence of the dead person, or after cremation in the presence of the ashes. As an alternative to these two options, the *ṣalāt al-ġāʿib* could have been used. In deciding on this possibility, the Maḡlis, while demonstrating the need to abide by the decisions of the authorities, did not fail

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- 91 In this case, therefore, the unavailability of the remains was due to the “physical remoteness” of the remains, whereas in the case of Covid-19, the unavailability was due to health safety reasons.
- 92 “Allah’s Messenger made them (i.e. the Muslims) stand in rows at the *muṣallā* (i.e. praying place) and led the funeral prayer for the Negus and said four *takbīr*”. Al-Buḥārī 2003: II,252, *ḥadīṭ* no. 3881. On the subject of prayer performed *in absentia* for the Negus, the ECFR refers to another response it issued on the same subject at the second session of its work, held in Dublin from 9 to 11 October 1998; the *fatwā* in question is no. 21, entitled *Prayer in Absentia for the One on Whom the Prayer was Performed in Presence*. In this *fatwā*, the Maḡlis concluded that *ṣalāt al-ġāʿib* is permissible (*ḡawāz*) provided it does not become a custom (“*āda*”), in which case it would be unlawful (*ġayr maṣrūʿ*). Moreover, Muslims do not recite this prayer for all their brethren whose remains are unavailable, but only for those whom they hold in special esteem, such as the Negus, whose esteem was based on the support he gave to Muslims who emigrated to Abyssinia. ECFR 2019: 210-212.
- 93 Regarding the number of those who should normally be present at the funeral prayer, some jurists hold that the greater the number, the better. IBN BĀZ 1420: XIII,138.
- 94 This hypothesis was briefly debated in Britain, but ended in deadlock. Isgandarova 2021: 579. This debate was also referred to by a representative of the Birmingham Muslim Burial Council in a request for clarification regarding the *ġuslṭayyamum* of the dead, which he addressed to the Islamic Portal website (the request for clarification and its response can be read at the following URL: urly.it/3p1a4 (Last accessed Nov. 7, 2022).

to emphasise that cremation is forbidden by Islamic law because of the sacredness accorded to the human body, both living and dead. The dignity of the deceased is only respected by recourse to burial, which has always been practised by Muslims, from the birth of Islam to the present day. Although the Council is aware and pleased that no country in Europe prescribes compulsory cremation, it has nevertheless suggested to Muslims, especially those who have no relatives of their own faith, to leave a legally valid written will (“bi-kitābat waṣīyya qānūniyya”) in which they must explicitly state that their remains are to be treated after their death in accordance with Islamic teachings (washing, wrapping in the burial shroud, prayer and burial).⁹⁵

Burial is the subject of the third and final part of response no. 19. It is also dealt with in *Fatāwā* nos. 21 and 34 and in two recommendations.⁹⁶ The Council reiterated that only burial guarantees the dignity of the dead; moreover, it is clearly stated in the Qur’ān: “From it [i.e., the earth] We created you, and into it We will return you, and from it We will extract you another time” (XX:55). This is why the Mağlis replied negatively to those who asked it about the possibility of being buried in niches/holes above ground. The rule is therefore that the Muslim should be quickly buried in the Islamic cemetery⁹⁷ of the place where death occurred^{98,99}. However, even before the pandemic, it was not always possible to comply with this rule, as there were very few Islamic cemeteries or plots reserved for Muslims in Europe, especially in Italy. This is one of the main reasons why many Muslims living in the Old Continent have chosen to take the remains of their loved ones back to their country of origin for burial.¹⁰⁰ However, the restrictions on international travel imposed by Covid-19 have

95 The ECFR expressed its position on cremation in *fatāwā* nos. 20 and 28.

96 Decision (*qarār*) no. 21, entitled *Dafn al-Muslim fī Maqābir Ġayr al-Muslimīn / The Burial of the Muslim in Non-Islamic Cemeteries*, which the Council adopted at the fifth session of its proceedings, held in Dublin from 4-7 May 2000, was also analysed. ECFR 2019: 52-53.

97 For Islamic rules on cemeteries, see al-SAHIBĀNĪ 2005.

98 However, this rule does not always apply. In Italy, for example, burial must take place in the deceased’s place of residence of the deceased, not in the place where the death occurred.

99 In support of its thesis, the Council cites a tradition that attributes merit to a man who dies in a land far from his birthplace: “A man who had been born in Al-Madinah died there, and the Messenger of Allah prayed for him, then he said: ‘Would that he had died somewhere other than the place where he was born’. They said: ‘Why is that, O Messenger of Allah?’ He said: ‘If a man dies somewhere other than the place where he was born, a space in him equal to the distance between the place where he was born and the place where he died’”. *Al-NASĀ’I* 2015²: 258, *ḥadīṭ* no. 1832. In the response of 2021, the Council also expressed a negative opinion on the transfer of corpses to the countries of origin of the deceased, considering it difficult and in any case unnecessarily costly; therefore, the Council reiterated its preference for the burial of the corpse at the place of death. ECFR 2019: 52. Finally, some Salafī jurists make the expatriation of the body depend not only on the will of the deceased, but also on the place where the death occurred: if the Muslim dies in a non-Islamic area where there is no private cemetery (*muqābir ḥāṣṣa*) reserved only for believers in the Islamic faith, then the body must be transported to the (Islamic) country of origin. In fact, the death of a Muslim in a non-Islamic territory (*dār al-kufr*) is one of the cases that requires the repatriation of the deceased, provided it is not financially burdensome. In the absence of an Islamic cemetery and the possibility of repatriating the body, these jurists advise burying the dead in a desolate area. *Al-LAĠNA* 1996: VIII, 450-455.

100 There is a large body of literature on this subject. See for example: CHAÏB 1988; JONKER 1996; KADROUCH OUTMANY 2012-2013; BALKAN 2015; SACCHETTI 2017; KADROUCH OUTMANY 2016; AHADDOUR 2019; BALKAN 2023.

made it impossible to continue this practice. In short, with the outbreak of the pandemic, some Muslims found themselves unable, on the one hand, to bury their loved ones in the European countries where they lived because of the lack of Islamic cemeteries and, on the other hand, to send their remains to their countries of origin because of the restrictions on international travel. In view of this situation, the Council stated that in the absence of Islamic cemeteries, the deceased may be buried wherever possible, even in a non-Islamic cemetery.¹⁰¹ Moreover, if the situation arose that the number of graves was insufficient to accommodate the large number of dead, it would be possible to bury more than one deceased in a single grave. The Mağlis based its decision on the principle that God does not ask the believers to do more than they are able to do, and on the principle that the believers will be judged in the hereafter by their deeds in life, not by the place where they are buried.¹⁰² However, the Council has repeatedly called on Muslims to take all necessary steps, wherever possible, to obtain cemeteries/burial grounds reserved for them in the countries in which they live, as has been the case for Christians, Jews and pagans; this would help to improve their condition and better preserve their identity.

National Fatāwā. The responses of the Italian Islamic Association of Imams and Religious Guides on the subject of collective prayers¹⁰³

The main objective of this part of the article is to illustrate and analyse the *fatāwā* with which some Italian *‘ulamā’* or those living in Italy have provided their brothers in faith with solutions to reconcile Islamic precepts in cultic matters with the provisions adopted by the Italian authorities to counter the spread of Covid-19. Specifically, I examined the rulings on the performance of collective prayers and funeral rites issued from the beginning of the pandemic until March 2021 by the Italian Islamic Association of Imams and Religious Guides (al-Ġam‘iyya al-Islāmiyya al-Īṭaliyya li-l-A‘immati wa-l-Muršidīn),¹⁰⁴ founded in 2011. The documents in question are all available on the Association’s Facebook page. In addition to the texts that are explicitly categorised as *fatāwā*, I have also taken into account those

101 If there is a choice between an Islamic and a non-Islamic cemetery, the family must always bury their loved one in the former, even if the latter is further away. The rule is that visiting cemeteries is for the benefit of the visitor, who will receive a warning and learn a lesson, as confirmed by the tradition: “I used to forbid you to visit the graves, but now visit them, for they will remind you ... of the Hereafter”. ECFR 2019: 52. The text of the tradition cited in the Council’s decision is slightly different from the original source to which it refers, namely *ḥadīṭ* no. 13487 of the *Musnad* of Aḥmad bin Ḥanbal, (the version I consulted is the one published in *al-Riyāḍ* by the Dār al-Salām in 2013, p. 903).

102 The position of the Moroccan European Council of the *‘Ulamā’* was different: “Qu’il soit porté à l’intention de tous que la terre ne sacralise personne, mais ce sont les bonnes œuvres qui magnifient le défunt. Par ailleurs, il est légalement permis au défunt de laisser un testament prescrivant le transfert ultérieur de son cadavre dans le lieu de son choix, dès que les circonstances le permettent et la loi relative à l’inhumation l’y autorise”. It therefore authorises the exhumation of the body in order to transfer it to the place indicated by the deceased in his/her will. The opinion of this panel of jurists can be read in French at the following URL: urly.it/3p5_y (Last accessed May 15, 2022).

103 For Muslims in Italy during the first months of Covid-19, see GORI 2021.

104 From now on alternatively called Association or AIGR.

documents (declarations, statements, etc.) that, although named differently, are in fact comparable in content to an actual response. Almost all the texts I have analysed are available in both Arabic and Italian. Nevertheless, I have chosen to refer only to those in Arabic. The reason for this choice is due to the quality of the Italian translations, which often proved to be inaccurate and lacking in relation to the Arabic original; inaccuracies and omissions which, as will be seen in the following pages, I have not failed to point out in many cases.

The current Board of Directors of the AIGR was elected on the proposal of the President (Wağīh Sa'īd Ḥasan)¹⁰⁵ by a majority of participants at the ordinary General Assembly of the Association, held on 10 November 2019 at the Islamic Cultural Centre in Bologna. The Board of Directors is composed of six members: Amīn al-Ḥazmī, al-Sayyid al-Daḥḥār, Anwar al-Nahmī, Abū l-Ḥayr Brīgīš, 'Abd al-Ḥāliq Šāliḥ and Suhayr Kathūdā. Each of them is in charge of one of the sections that make up the Association, each of which is responsible for carrying out specific functions (interfaith dialogue, treasury, etc.). For the purposes of this work, the figure of šayḥ al-Ḥazmī, imam of the Islamic Centre of Brescia and Italy's representative to the European Council for Fatwas and Research, who is entrusted with the leadership of the Association's Commission for Fatwas and Scientific Research (Lağnat al-Fatwā wa-l-Baḥṭ al-'Ilmī), is particularly relevant.¹⁰⁶ Referring to the ECFR's influence in Italy, he said: "[the ECFR] is a point of reference for many, but I cannot give a percentage. It is certainly more in Italy than in other European countries" (PELLEGRINO 2020). Perhaps the ECFR's greatest success in Italy is that its opinions are relied upon by the Union of Islamic Communities and Organisations in Italy (UCOII),¹⁰⁷ which boasts membership from a large number of mosques scattered across the Peninsula, and plays a leading role in the national Islamic leadership.

On 25 February 2020, in the face of a series of measures taken by the competent authorities, both national and regional, to deal with the multiplication of cases of infection, especially in some areas of the north of the country,¹⁰⁸ the Association published a document in Italian and Arabic entitled *Recommendations New Coronavirus*,¹⁰⁹ divided into five points. The first is that Muslims have a religious, moral and civil responsibility (*mas'ūliyya aḥlāqīyya*,¹¹⁰ *wa-dīniyya, wa-waṭaniyya*), to comply with all the rules (*al-ta'limāt*) and recommendations (*al-naṣā'ih*) against Covid 19 issued by the authorities. Muslims who do not

105 Paolo Naso erroneously attributes the presidency of the Association to Nibras Bregheiche, who is instead one of the members of the General Assembly. NASO 2021: 33. Wağīh is a member of the European Council of Imams. (al-Mağlis al-Ūrūbī li-l-A'imma).

106 Post dated 31 May 2016. All the posts examined showed that the name of this Commission is rather fluid: in addition to the one above, it is also referred to as the "Scientific Section" ("al-Qism al-'Ilmī"), or simply as the "Fatwā Commission" ("Lağnat al-Fatwā").

107 This was explicitly stated by the organisation's current and former presidents, Yassine Lafram and Izzedin Elzir, respectively, in an interview they kindly gave me.

108 This specific logistical reference is present in the Arabic version of the document, but not in the Italian translation produced by the Association. This is a singular omission, given that the document was produced two days after the Prime Ministerial Decree (in Italian DPCM, Decree of the President of the Council of Ministers) of 23 February 2020, which ordered the suspension of religious events in some municipalities in Lombardy and one in Veneto, two regions in northern Italy.

109 This title is only given in the Italian translation, there is no title in the Arabic version.

110 In the Italian translation made by the Association, this term is translated with the adjective *personal*.

abide by them engage in behaviour that risks harming themselves and/or others (family and society),¹¹¹ or becoming infected or contagious. Such behaviour is unacceptable from a religious point of view because it violates the general principle—derived by Muslim jurists from the sacred texts, the Qur’ān and the Sunnah—that the believers must not harm themselves or others. Like the ECFR, the Association said that in the case of the Book, this prohibition is based on verse 195 of *sūra* II: “do not throw [yourselves] with your [own] hands into destruction”; in the case of the Prophetic Tradition, however, it is based on the *ḥadīṭ*, reported in the collections of Mālik ibn Anas and Ibn Māḡa, according to which “There should be neither harming nor reciprocating harm” (*lā ḍarar wa-lā ḍirār*). Applied to the present case, these texts indicate that Muslims have a duty not to expose themselves and/or others to the risk of infection, or at least not to do so voluntarily; in order to fulfil this duty, they are required, among other things,¹¹² to comply with the provisions laid down to contain the spread of the virus. In particular, in point 4 of the document, the Association addresses the leaders (*idārāt*) and imams¹¹³ of Islamic centres (*al-markāz al-islāmī*)¹¹⁴ located in areas where the official authorities (*al-ḡihāt al-rasmiyya*) have adopted a series of precautionary measures (closure of schools, factories, public meeting places)¹¹⁵ and urges them to comply with these measures, as they appear to be doing. In particular, they are asked to suspend all activities (*kāffat al-anšīta*), including collective educational, cultural and “missionary” (“al-da‘wī”) activities.¹¹⁶ From a religious point of view, the AIGR, like the ECFR, legitimised this suspension by referring to the *ḥadīṭ* recorded in Buḡārī and Muslim which narrates that the Prophet allowed people to perform prayers at home instead of the mosque because of the rain: “‘Abd Allāh bin ‘Abbās said to his mu‘aḡḡin on a rainy day: when you utter the words ‘I testify that Muhammad is the Messenger of Allah’, do not say, ‘Come to prayer’ but say ‘Pray at your homes’. By this announcement the people were surprised. He said: One who was better than me has done it. The Friday prayer is an obligatory duty. But I disliked to put you to hardship so that you might walk in mud and rain”.¹¹⁷ The Association drew an analogy between the Prophet’s decision to allow believers to perform congregational prayer at home and its proposed decision to suspend all activities (including congregational prayer). In fact, the two cases have the same rationale, which is to avert a danger to the believers. In the first

111 The reference to family and society is present in the Arabic version of the document, but not in the Italian translation produced by the Association.

112 For example, in the second point of the document, the Association urges believers to take care of their hygiene (*al-hirṣ ‘alā l-nifāz*), to wash their hands more often (*al-iktār min ḡusl al-yadayn*), and so on. etc.

113 The Italian translation of the document omits the reference to imams.

114 The Italian translation of the document renders this expression as “... association and... mosques”. It is likely that the translator made this choice because Islamic centres in Italy often have the legal status of associations and function as places of worship.

115 In the Italian translation of the document, the reference to specific precautionary measures is omitted in favour of a more general expression “precautionary measures such as the closure of public activities open to the public”.

116 The Italian translation of the document does not mention the activities for which the suspension is sought but uses the term “congregational activities”.

117 The Italian translation of the document does not quote the text of the tradition.

case, the risk is represented by the possible negative consequences of bad weather conditions, while in the second case it is represented by the likelihood of infection (considered more serious—*ašadd*—than rain), which in the case of the centres is to be considered probable due to the diversity of visitors who frequent them (*tanawwu' ruwwād al-markāz*), different in terms of age, state of health, etc.¹¹⁸

On 3 March 2020, the Association published a new document, in both Arabic and Italian, entitled *Recommendations and Provisions in the Light of Developments in the Coronavirus*¹¹⁹ (*Wašāyā wa-Ahkām fī Zill Mustağiddāt Wabā' Kūrūnā*), with which it provided imams, centre leaders and all Muslims in Italy with some instructions (*al-tawğihāt*) on how best to deal with the developing epidemic. The text is divided into seven points.¹²⁰ The first point reaffirmed the obligation of all, Muslims and non-Muslims alike, to comply with the health regulations and precautionary restrictions imposed by the competent state and local authorities. On the second point, however, the AIGR clarified that at the local level (regional and provincial) there is no single general rule applicable to all (*lā yūğad hukm wāhid 'amm li-ğamīr*). Therefore, in order to know which regulations to follow, one must refer to the regulations drawn up for the specific area in which one resides, the content of which varies according to the different levels of spread of the virus (*taba^{an} li-darağat al-ḥuṭūra bi-sabab kaṭrat intišār al-wabā'*). The Association also emphasised that the anti-Covid regulations were enacted to protect the welfare of citizens (*mašlahat al-muwāṭinīn*) and safeguard their lives (*ḥirṣ^{an} 'alā al-insān wa-ṣiḥhati-hi wa-ḥayāti-hi*). Despite their obviousness, these clarifications had a twofold merit: 1. to clarify the reason why some Muslims, especially those living in the areas of northern Italy where the virus was most widespread, were forbidden to carry out certain activities, some of which were culturally relevant and others not, thus removing any possible misunderstanding; 2. to highlight the compatibility between the provisions enacted to combat the coronavirus and those of Islamic law, which give absolute priority to the defence of life, the latter having contributed to greater acceptance by believers of the restrictions imposed on them. The defence of life is explicitly called into question in the third point of the document, the longest of the seven, concerning collective prayer (*ṣalāt al-ğamā'a*) and Friday congregational prayer (*ṣalāt al-ğum'a*). With regard to the latter, the Association has indeed affirmed, similarly to the ECFR, that it is permissible for believers to stop performing congregational prayers (*al-mubīḥ li-tark al-ğamā'a wa-l-ğum'a*) if harm, sometimes very serious (death), could result from such performance. For example, the AIGR reports that fear (*al-*

118 The Association's concern about the spread of infection in the centres was left out of the Italian translation of the document.

119 The Italian translation of the text was published on 5 March 2020; the latter is entitled *Recommendations and Instructions in the Light of Updates Regarding the "Coronavirus" Alert*.

120 The document was issued two days after the Prime Ministerial Decree (DPCM) of 1 March 2020, which not only confirmed the suspension of religious events for some municipalities in Lombardy and one in Veneto, suspended for a week, but also for some regions (Emilia Romagna, Lombardy, Veneto) and provinces (Pesaro and Urbino, Savona), "events in public or private places, including ... religious events, even if they take place in closed places but are open to the public, such as, for example, ... religious ceremonies" (Article 1, lett. c); it also made conditioned "[the] opening of places of worship ... subject to the adoption of organisational measures to avoid crowds of people, taking into account the size and characteristics of the places, and such as to ensure that the participants can maintain a distance of at least one metre between them" (Art. 1, lett. d).

ḥawf),¹²¹ sickness (*al-maraḍ*) and rain (*al-maṭār*) are “justifications” (*a’dār*, sing. *’udr*) for exempting believers from going to the mosque to perform congregational prayers, since forcing them to do so would endanger their safety. In support of its position, the AIGR cited both the Qur’ān and the Sunnah. Four Qur’ānic verses were cited: “do not throw [yourselves] with your [own] hands into destruction” (II:195)—already referred to in the document of 25 February—, “God intends for you ease and does not intend for you hardship” (II:185), “He has not placed upon you in the religion any difficulty” (XXII:78),¹²² “And God wants to lighten for you [your difficulties]; and mankind was created weak” (IV:28). As far as the first verse is concerned, the considerations already made above in relation to the prohibition of harming oneself, i.e. the preservation of life, apply. The other three, on the other hand, form the *nuṣūṣ al-ṣarī’a*¹²³ from which emerges the “objective of facilitating people” (*maqṣad al-taysīr ‘alā al-nās*), of freeing them from difficulties. It is no coincidence that one of the most important general principles of law (*al-qawā’id al-fiqhiyya*) is precisely the one which states that “difficulty leads to facilitation” (“*al-maṣāqqa taḡlib al-taysīr*”). With regard to the Sunnah, the Association referred to two traditions. The first is that of rain as an exception to the performance of congregational prayer in the mosque, already mentioned in the document of 25 February, about which the AIGR also reiterates the considerations it had expressed in this regard: if the law (*ṣar’*) allowed the possibility of abandoning congregational prayers (including Friday prayer) in the mosque in case of rain, considering that this could harm the believers, the same exception must *a fortiori* be made for the coronavirus, considering that the consequences of its spread are much more serious. The second *ḥadīṭ*, on the other hand, is the one that forbids (*mana’a*) believers who have eaten garlic or onion from going to the mosque for congregational prayers: the Prophet said, “Whoever has eaten garlic or onion should keep away from us or from our mosque” [BUḤĀRĪ 2003: III,25 (*ḥadīṭ* no. 5452)], “He who eats garlic or onion should remain away from us or from our mosque and stay in his house” [MUSLIM 2004: I,262 (*ḥadīṭ* no. 564bis)]. This tradition—which well illustrates the importance that Islam places on protecting those who pray, even to the extent of protecting them from unpleasant odours—is a valid support for the Association’s thesis: if those who pray in mosques need to be protected from the discomfort of unpleasant odours, despite the usually temporary (*’ābir*) nature of the latter, all the more reason to protect them from the spread of the virus and the nefarious consequences it brings.¹²⁴ However, if it is easy to identify believers who have eaten garlic or onions and prevent them from entering the place of

121 In this regard, the AIGR reports the opinion of Ibn Qudāma (1147-1223), probably taken from his *al-Muḡnī*, which recognises the fear (*al-ḥā’if*) as a reason for exemption from the execution of *al-ḡamā’a* and *al-ḡum’a*. The Ḥanbali jurist based this exemption on the Sunnah: According to a *ḥadīṭ* narrated by Abū Dāwūd and Ibn Māḡa, the Prophet said: “If anyone hears him who makes the call to prayer and is not prevented from joining the congregation by any excuse - he was asked what an excuse consisted of and replied that it was fear or illness - the prayer he offers will not be accepted from him”. Ibn Qudāma then adds that there are three types of fear: fear of life, fear of property and fear of family. This part is completely missing in the Italian translation of the document. It is important to note that the Italian translation is not a faithful copy of the Arabic text, but a reasoned synthesis of it.

122 This verse is missing from the Italian version of the document.

123 In the Italian translation of the document, the phrase is incorrectly translated as “texts of authoritative Muslim scholars”.

124 There is no trace of this part in the Italian version of the document.

worship, it is less easy to identify those infected with Covid-19. In fact, in addition to those who know they are infected, there are asymptomatic individuals who are unaware that they have contracted the virus and who, if allowed to attend the congregational prayers in the mosque, risk infecting their fellow believers with whom they come into contact. The only possible solution to this situation is not just to suspend prayers in mosques, but to close them: the closure of places of worship (*iglāq al-masājid*), in which the means of defending life threatened by the spread of the epidemic take precedence (*amām*) over the performance of *al-ḡamā'a* and *al-ḡum'a*; in other words, the preservation of life takes precedence (*al-naḥs, wa-l-ḥifāz 'alayhā ... awwalī*) over the performance of acts of worship. The issue of closing of mosques/centres is dealt with in more detail in point 4 of the document, where the Association clarifies that this measure does not necessarily concern all places of worship, but only those which, due to their characteristics (cramped spaces, lack of resources, excessive numbers of visitors, etc.), are unable to comply with the conditions imposed by the authorities for their opening, the aim of which is to avoid any possible congregation. All the others, on the other hand, can remain open if they are located in areas where this is permitted. In the fifth point of the document, the Association assures believers that the closure mosques/centres and/or the suspension of their activities are absolutely lawful measures for Islam, so they had better not complain about them. They are, in fact, a *ruḥṣa*, i.e. an exception to the rule, which “the Lawgiver has granted with a view to bringing facility and ease in difficult circumstances” (KAMALI 2003: 437). The AIGR also specifies the alternative form of prayers that may not be performed in the mosque: the congregational prayers are to be performed at home, with the other members of the family (spouses and children) and have the same value as if they had been performed in the mosque; on the other hand, the congregational prayer on Friday is to be replaced by the noon prayer (*zuhr*) to be performed at home, following the example of the Prophet and the Companions who used to pray the *zuhr* prayer instead of the *al-ḡum'a* when travelling. The content of the sixth point is negligible, but not the content of the seventh point in which the Association gives a religious justification for the ban imposed by the government and health authorities on entering and leaving the areas where the epidemic is raging; it did so by referring to a tradition reported by Buḥārī and Muslim, viz: “if you learn (lit. hear) that there is plague in a territory, do not enter it; if plague occurs (lit. happens) in the territory in which you are, do not leave it”.

On 10 March 2020, the Association issued a new document simply entitled “Declaration”¹²⁵ in which it once again urged Muslim men and women to be united and responsible, i.e. to comply strictly with the decisions and instructions of the competent authorities, in this case the national lockdown. Therefore, like everyone else, they will have to comply with the obligation not to leave their homes except for legitimate reasons (work, health, buying basic necessities), which does not include going to the mosque to pray. When they do go out, they must maintain a social distance of at least one metre, refrain from shaking hands and wash their hands frequently. All this is justified by the principle that human life is worth more than anything else.

The question of prayer is also addressed in the document of 13 March 2020. It is a text that differs from those previously analysed both in the subject that issued it and in its

125 The Arabic version is no titled.

structure. In fact, it was issued by the Fatwā Commission of the AIGR and has the formal characteristics of a response: a question and an answer. This *fatwā* was published in both Arabic and Italian;¹²⁶ the Italian version was entitled *Fatwa Concerning the Failure to Perform Three or More Friday Prayers*, while the Arabic version was entitled *What is the Rule for Those Who, Because of the Coronavirus, Do Not Perform Friday Prayers Three Times [Consecutively]?*¹²⁷ Basically, the Muslims of Northern Italy, who were unable to perform the *ḡum‘a* for the third consecutive Friday, were wondering—in view of the fact that they were unable to perform the Friday prayer due to the closure of mosques and Islamic centres, first locally and then nationally—whether the threats that the *nuṣūṣ*, especially some traditions, reserve for those who do not perform *ḡum‘a* three times in a row, that is, that God will put a seal on their hearts and accuse them of hypocrisy, apply to them. The Commission replied that it is permissible to abstain from the Friday prayer as long as the “justification” (“*uḍr*”) preventing its performance lasts, even if the duration of this period is longer than three weeks and thus includes more than three Fridays; the “lawful justification” (“*uḍr^{an} šar‘iyy^{an}*”) in the present case is the epidemic, as has been emphasised in all the *fatāwā* issued regarding the suspension of *ḡum‘a* following the spread of Covid-19. Therefore, those Muslims who, because of the coronavirus—and in deference to the measures taken by the authorities to limit its spread—have not performed Friday prayers for more than three weeks will not be subject to the moral sanctions imposed on those who, without good reason or through simple negligence, are guilty of their own omission. Those believers who justifiably suspend the *ḡum‘a* must, alternatively, perform the noon prayer at home.

The next document published by the Association on its Facebook page is that of 3 April 2020; this text, of which only the Arabic version is available, is not of its own making. It is, in fact, the *fatwā* issued the day before by the International Union of Muslim Scholars (al-Ittiḥād al-‘Ālamī li-‘Ulāmā’ al-Muslimīn) in response to those who asked whether collective prayers could be performed at home, given the ban on assembly and the consequent impossibility of performing group prayers in mosques. The Union emphasises, firstly, that collective prayer (*ṣalāt al-ḡamā‘a*) is valid even if only two people perform it; therefore, since it does not necessarily require the presence of a large number of worshippers, it can legitimately be performed at home or elsewhere, taking care to respect the instructions of the authorities regarding the number of people who may gather in the same place; all this in accordance with the prescriptions of Islam, which are based on the protection of human life. Secondly, the Friday prayer is one of the most important acts of worship, which has its own pillars, conditions, peculiarities and form (two *rak‘a* and two *ḥuṭba*), all of which cannot be changed except on the basis of irrefutable proofs in the Qur’ān or the Sunnah. The schools of law agree that if the conditions for the validity of the Friday prayer cannot be met, it can be replaced by the noon prayer, as is the case with those who have a “justification”, such as the sick, travellers and prisoners. On the other hand, the idea of performing *ṣalāt ḡum‘a* at home or in private places or on rooftops could conflict with the health authorities’ objective of preventing gatherings to counter the spread of the virus. In light of all this, the Union Fatwā Commission

126 Again, the Italian version of the *fatwā* is not a translation of the latter, but a synthesis.

127 *Mā Ḥukm man Tarak Ṭalāt Ḡuma‘āt bi-Sabab Wabā’ Kūrūnā?*

concluded that in countries where Friday congregational prayer has been banned because of the coronavirus, it should be replaced by noon prayer.

The penultimate document relevant to this article is the *Declaration on the ʿĪd al-Fiṭr Prayer (Bayān bi-Ḥuṣūṣ Ṣalāt ʿĪd al-Fiṭr)*, issued in Arabic only on 19 May, 2020, a few days before the end of the month of Ramaḍān and its associated celebrations, through which the Association intends to provide guidance to the faithful on how to perform the collective prayer of ʿĪd al-Fiṭr, the performance of which, as it involves the participation of many pray-ers, is incompatible with the authorities' ban on assembly. The AIGR recalled, as in the other texts, that one of the most important objectives of the *ṣarīʿa* is the preservation of life; the pursuit of this objective in a pandemic context implies the adoption of all measures that can contribute to reducing the spread the virus, for which a series of concessions (*ruḥṣa*) must be envisaged that would not normally be allowed. In the specific case of the *ṣalāt ʿĪd al-Fiṭr*, the Association recommends that imams, directors of Islamic centres and all Muslims pray this prayer at home, individually or with other people with whom one lives at home, a mode of performance that is normally considered permissible. The AIGR then reminds us of the time frame within which *ṣalāt ʿĪd al-Fiṭr* must be performed, from 20 minutes after sunrise until just before noon. It also specifies the composition of the prayer: two *rakʿa*, the first with seven *takbīr*, the second with five; no *ḥuṭba*.

Another text that deserves a brief mention is the one published by the AIGR, only in Arabic, on 21 May 2020, entitled *al-Tawḡīhāt Ḥawla Faṭḥ al-Marākiz al-Islāmiyya Baʿda al-Ḥazr (Instructions for the Reopening of Islamic Centres after Quarantine)* which refers to the possibility of reopening places of worship, as provided for in the protocol signed by the main Islamic Communities¹²⁸ with the Prime Minister (Giuseppe Conte) and the Minister of the Interior (Luciana Lamorgese) on 15 May 2020, which entered into force three days later.¹²⁹ The Association recommends that the directors of Islamic centres reopen their prem-ises only if they are actually able to comply with all the conditions laid down in the protocols; otherwise it is better to remain closed, both to avoid legal problems and to prevent the possi-ble infection of those who use the centre. Those that manage to reopen are asked to strictly enforce the rules laid down in the protocols.

On 22 July 2020, the AIGR again issued a favourable opinion on the celebration of the Feast of Sacrifice and the associated prayers, subject of course to the anti-Covid regulations in force at time (end of July – beginning of August).¹³⁰

The last response that is relevant for the purpose of analysing the impact of the pandemic on Islamic prayers is that issued by the Laḡnat al-Fatwā of 8 March 2021, entitled *Declara-tion Concerning the [Performance of] the Prayers of Maḡrib, ʿIṣāʾ and Tarāwīḥ in View of [lit. in the Shade] the Persistence of the Epidemic*.¹³¹ With this *fatwā*, the Commission re-sponded to the many requests for clarification it had received at the beginning of the month

128 These are the Grand Mosque of Rome, the Union of Islamic Communities and Organisations in Italy, the Italian Islamic Religious Community and, finally, the Italian Islamic Confederation.

129 The text of the Protocol is available on the website of the Ministry of the Interior, at the following URL: urly.it/3pr_2 (Last accessed Oct. 18, 2021).

130 In Turin, for example, nine different urban spaces have been created with the help of the local admin-istration to avoid congregations and allow all believers to participate (MARTINENGO 2020).

131 *Bayān bi-Ṣaʿn Ṣalāt al-Maḡrib wa-l-Iṣāʾ wa-l-Tarāwīḥ fī Zill Istimrār al-Ġāʾiḥa*.

of Ramaḍān¹³² regarding the performance (*kayfiyyat iqāmat...*) of the *tarāwīḥ* prayer, which was considered one of the most important cultic practices (*ṣaʿāʿir*) of the time. In fact, the time (late evening/night), place (preferably in the mosque), and manner (preferably in a group) of this prayer did not fit well with the measures [e.g. the curfew (*al-ḥaẓr al-laylī*) from 10:00 p.m. to 5:00 a.m. and the ban on assembly (*al-quyūd al-mafrūḍa ʿalā l-taḡammuʿāt bi-ṣakl ʿāmm*)], which had been enacted to combat the spread of the epidemic, and which, given its persistence, might have remained in force.¹³³ In order to solve this problem, the Laḡnah proposed four different solutions. The plurality of these solutions was linked to the desire to take into account the possible scenarios that might have arisen, given the impossibility of predicting what the epidemiological trend would be during the Ramaḍān period and the consequent measures that would be taken by the competent authorities.

The first solution is to recite both the evening prayer and the *tarāwīḥ* prayer (or part of it)¹³⁴ together in the mosque or the evening prayer in congregation in the mosque and the whole *tarāwīḥ* prayer at home. This position is based on the minority doctrine (Mālik, al-Šāfiʿi, Abū Yūsuf, etc.) according to which, it is preferable to perform the *tarāwīḥ* prayer at home even under normal conditions (and therefore even more so under exceptional conditions, such as in the case of a pandemic). This doctrine is mainly based on a tradition of the Prophet, reported by Buḥārī and Muslim,¹³⁵ according to which “So you people, offer this prayer at your homes, for the best prayer of a person is the one which he offers at home, except the compulsory (congregational) prayer”.

The second possibility identified was that of grouping the sunset, evening and *tarāwīḥ* prayers. This grouping can be done in three different ways: 1. to postpone the performance of the sunset prayer until just before the end of the time within which it is to be performed, and then to perform the evening prayer immediately afterwards; 2. to perform the sunset prayer as soon as the time within which it is to be performed begins, and then the evening prayer (which is also brought forward); 3. to perform the sunset prayer—taking care, unlike the previous option, to allow some time to elapse from the beginning of the setting of the sun—and then the evening prayer (which is also brought forward). In all three cases, after the evening prayer, the *tarāwīḥ* prayer is to be recited either in the mosque, in a congregation, or at home, the choice of place depending on the time available (part of it may be recited in the mosque and part at home) and the measures taken to avoid crowds.

The third option suggested, based on a minority doctrine developed by some Ḥanafī and Ḥanbalī scholars, was to anticipate the performance of the *tarāwīḥ* prayer before the evening prayer.

132 This would start the following 13 April and end on 12 May.

133 In fact, the curfew will only change with Decree-Law (DL) no. 65 of 18 May 2021. The curfew will then be immediately abolished for the white zones, while for the yellow zones it will be reduced (by one hour—from 11 p.m. to 5 a.m.—from 18 May; by two hours—from midnight to 5 a.m.—from 7 June) and then completely abolished (from 21 June).

134 The number of *rakaʿāt* (cycles of prayer) to be performed in the case of *tarāwīḥ* prayer is debated; many favour eleven, based on the example of the Prophet. If there is not enough time to perform them all, the missing parts can be performed at home.

135 In the version of the Arabic text, these two names do not appear; instead, the expression *rawāhu al-ṣayḥān* (the two *ṣayḥ*) was used to refer to them.

The fourth option suggested was to perform both the evening and *tarāwīḥ* prayers at home, similar to what was done in 2020. This would have compensated for the fact that the curfew was still in force (a circumstance that prevented Muslims, especially those living in areas where the sun sets later, from going to the mosque to perform the prayer in question) and for the fact that the ban on assembly was still in force (which could be difficult to enforce, especially in larger Islamic centres where more worshippers congregate). The legitimacy of this option stems from the nature of the *tarāwīḥ* prayer, the collective performance of which can be dispensed with in the mosque because it is among the recommended acts (*sunna*) and not among the obligatory ones.

National Fatāwā. The opinions of the Italian Islamic Association of Imams and Religious Guides on funeral rites

The first response that the Laḡnat al-Fatwā devotes to funeral rites is the one entitled *Funeral and Burial Rules in the Light of Updates [on] Coronavirus / Aḥkām al-Ġanā'iz wa-l-Dafn fī Zill Mustaḡiddāt Wabā' Kūrūnā*, issued in Arabic only¹³⁶ on 19 March 2020, before the ECFR issued *Fatwā* no. 19, the one on funeral rites that I analysed earlier. The Commission clearly stated that the issuance of this *fatwā* was necessary in order to respond to the many requests for clarification that it had received from believers on how to apply the funeral rules, i.e. how to reconcile the washing of the corpse, given that direct contact with the corpse can be a source of infection, or how to bury the deceased given that it is not possible to repatriate them to their countries of origin due to the international blockade, and that there are very few cemeteries/plots reserved for Muslims in Italy? Before answering the questions put to her, the Laḡnah—following a scheme very similar to that adopted by the ECFR in *Fatwā* no. 19—not only reiterated the obligation to obey the rules laid down by the authorities, but also stressed the importance of the space-time factor in formulating the content of a *fatwā*: in order to be effective, the *fatwā* must be calibrated to the specific context to which it is applied. The Laḡnah, like the ECFR, also emphasises that Islamic jurisprudence (*al-fiqh al-islāmī*) provides a set of principles drawn from the Qur'ān and the Sunnah, the application of which can be used to deal with exceptional circumstances and emergencies, of which the pandemic is certainly one. In particular, the Laḡnah cites five principles: “necessity makes lawful what is not” (*al-ḍarūrāt tubīḥ al-maḥẓūrāt*), “difficulty leads to facilitation” (*al-maṣāqqa taḡlīb al-taysīr*), “there is no obligation except for that which can be discharged” (*lā taklīf illa bi-maḡdūr*), “there is no obligation in case of incapacity” (*lā wāḡib ma'a l-ʿaḡz*), “one abides by what of a precept can be fulfilled (lett. the possible is not made to fall short of the impossible)” (*al-maysūr lā yasquṭ bi-l-ma'sūr*). The verses from which these principles are derived are, in addition to II:185 and XXII:78 mentioned above, II:286 (“God does not charge a soul except its capacity”) and LXV:7 (“God does not charge a soul except what He has given it”);

136 The UCOII, in line with its commitment to ensure that Muslims are buried in accordance with Islamic principles, has proposed a translation which is available on its website: <https://ucoii.org/2020/03/19/coronavirus-fatwa-associazione-degli-imamper-i-riti-funebri/> (Last accessed Dec. 16 2021).

however, with regard to the Sunnah, the Laḡnah cites the tradition that the Prophet said, “simplify and do not complicate” (*yassirū wa-lā tu‘assirū*).

After this introductory section,¹³⁷ the Commission goes on to outline the solutions it believes will resolve the problems associated with the implementation of the *ahkām al-ḡanā’iz*.

Regarding the washing of the body, it suggests three different ways, all of which aim to avoid direct contact between the body of the deceased and the person purifying it: 1. simply pouring water over the remains, taking care to do so from a reasonable distance, but without rubbing them; 2. if this option is not feasible, dry washing (*tayammum*) can be used;¹³⁸ 3. finally, burying the body without washing it. These options are legitimised in the Commission’s reasoning by the principle that between a living person and a dead person priority must always be given to the former; therefore, between the obligation to wash and the obligation to protect the life of the person performing the washing (prevention of infection), the latter prevails.

Also with regard to wrapping the body in the burial clothes, the Laḡnah suggests three scenarios: to perform the *kafan* if it is possible; not to remove the clothes the deceased was wearing at the time of death, but simply to put on the burial clothes; to bury the body in the clothes it was wearing at the time of death. This last option seems to be the one that best protects the health of the funeral workers (or, in any case, of anyone who performs the *kafan*); the first two options, in fact, presuppose direct contact with the deceased or, in any case, the shaking of the deceased, which can lead to the release of fluids or secretions that are potentially contagious.

With regard to the funeral prayer (*ṣalāt al-ḡanāza*), the Commission considered that, although it is a collective duty incumbent upon the entire *umma* (like all other funeral rites), it can be considered fulfilled if it is performed by only three or even one (in the latter case, it recalled the opinion of the Šāfi‘i and Ḥanbali schools of law according to which the duty of the funeral prayer is to be considered fulfilled even if it is performed by only one believer), so that the prohibition of congregating can be fulfilled. On the other hand, if it is impossible for even a very small number of believers to perform *ṣalāt al-ḡanāza*—because funeral ceremonies have been banned altogether or because the body of the mourner has been made immediately unavailable—Muslims may resort to prayer *in absentia* (*ṣalāt al-ḡā’ib*). It consists of the prayer that can be recited (individually or collectively) in exceptional cases, even in one’s own home, when the remains of the deceased are not present. The *ṣalāt al-ḡā’ib* was originally conceived to enable the prayers to be performed for those Muslims who had died in a place far from their homes.

Finally, on the subject of burial, Laḡnah stated that the rule is that Muslims should be buried at the place of death and in an Islamic cemetery. If this is not possible, the *dafn* can take place anywhere, even in a non-Islamic cemetery. The Commission based its decision on the principle that God does not ask believers to do more than they are able to do, and on the principle that believers will be judged in the hereafter by the deeds they have done during

137 It is interesting to note that, with a few exceptions, this part is virtually identical to the introductory part of the ECFR response mentioned above.

138 However, this solution, in which the performer first places his hands on the earth/sand/stones and then runs them over the face, back and palms (up to the wrists) of the deceased, still implies contact with the deceased, albeit reduced.

their lives not by the place where they are buried. To support its argument, Laḡnah referred to a *fatwā* issued by the ECFR in 2000, which ruled that in the absence of Islamic cemeteries, Muslims could be buried in the cemeteries of non-Muslims.

Interestingly, the AIGR sent the response analysed above to ‘Abd Allāh al-Ġuday’, who approved it. This passage, together with other data, confirms the proximity of the Association to the ECFR:¹³⁹ al-Ġuday’ is in fact not only the imam of the Grand Mosque in Leeds, but also one of the most important and authoritative members of the Council, of which he was the president, albeit for a short period (2018-2019); he is also the head of the British Commission for Fatwas, which, like its French counterpart institution, represents a dislocated section of the ECFR.¹⁴⁰ The Italian response was published on the website of the Grand Mosque of Leeds and summarised in English.¹⁴¹

The Laḡnat al-Fatwā returned to the issue of washing on 30 March 2020 when it issued a new response in Arabic and Italian entitled *Fatwā Ḥawla Mas’alat Ġusl Mawtā Wabā’ Kūrūnā / Fatwā on the Issue of Washing Deceased [from] Coronavirus*.¹⁴² With this new *fatwā*, the Commission sanctioned the prohibition of *ḡusl*, thus revising its previous position on this issue and bringing it in line with that of the ECFR. Laḡnah explained that this change was necessary in view of the position taken by scientists on the contagiousness of the body of the deceased. They categorically did not rule out the possibility that the corpse could infect those who came into contact with it, or those who came into contact with any liquids that might have leaked from it. Therefore, the only solution to prevent the possible transmission of the virus from the dead to the living was to avoid any direct contact between them, making washing, even dry washing (*tayammum*), impossible. The Laḡnah based the exception to the performance of *ḡusl* on the following principles: the interest of the living takes precedence over the interest of the dead (the obligation to preserve the life of the person performing the washing takes precedence over the obligation to satisfy the right of the dead to be washed); the interest of the group takes precedence over the interest of the individual dead person (the interest of the group in preventing the person doing the washing from contracting and transmitting the virus, takes precedence over the interest of the dead person in being washed); between two evils the lesser of the two evils must be chosen (not complying with the obligation to wash is preferable to the possibility of contracting and spreading a deadly virus). The Commission then responds to those who, drawing an analogy between the person responsible for performing the washing and the doctor, have argued that the performance of *ḡusl* is obligatory even during the pandemic: just as the obligation to protect life does not prevent doctors from coming into contact with the sick, it cannot constitute a restriction on the performance of washing by the person who has died from or with Covid-19, provided that it is performed with the same precautions that doctors take when interacting with patients affected by the virus. Laḡnah argues that this is an inappropriate comparison because, firstly, the

139 In addition to the frequent use of its *fatāwā* (thus demonstrating the authority that it recognises to the ECFR), some of its members, besides al-Ḥazmī of course, have participated in some of the ECFR’s activities.

140 <http://fatwacommitteeuk.com/>.

141 <https://www.leedsgrandmosque.com/covid-19/fatwas/a-recent-ruling-of-funerals-and-burials>.

142 The Italian translation of the title proposed by the Association is *Fatwa on the Issue of the Ritual Funeral Preparation of the Corpses of Muslims Infected with the New Coronavirus Covid-19*.

doctor's actions are aimed at saving the patient's life (curing him/her of the coronavirus) and the lives of others (preventing the patient from transmitting the virus); washing, on the other hand, while important—under normal circumstances—is not so important as to endanger the life of the person performing it and possibly those with whom he/she comes into contact and to whom he/she might transmit the virus. In addition, the use of protective equipment does not completely prevent infection. In fact, many doctors have become infected and died, despite being proficient in their use.

To further legitimise the exemption from performing *gusl*, the Commission, like the ECFR, points out that, in the name of protecting life, the Qur'an allows exemption from certain important imperatives such as the prohibition of apostasy (the believer who renounces Islam under duress is not considered a sinner) or the prohibition of eating forbidden food (the believer may eat a forbidden thing if he is in danger of starving). Moreover, as the ECFR had already done, Laḡnah pointed out that there is no unanimous agreement among scholars on the obligatory nature of *gusl*: the majority consider it a duty, while some, especially Māliki, consider it a recommended act ("al-sunniyya").

Laḡnah's rejection of the practice of washing the body also indirectly implies the prohibition of the practice of *kafan*. Indeed, it stated that the body of the deceased must be placed in the coffin wrapped in the *body bag* in which the hospital staff had placed it.

Like the ECFR, the Commission concluded its response by pointing out that the lack of washing did not constitute any harm to the deceased, who should rather be recognised as a martyr.

On 5 April 2020, the AIGR issued a communiqué in which it pointed out that the response of 31 March was fully compatible with the circular of 1 April 2020 in which the Ministry of Health had banned all forms of funeral washing and ordered that contact with the corpse be kept to a minimum.

Conclusions

An analysis of the solutions adopted by the ECFR to adapt religious practice to the restrictions imposed by the Covid-19 has shown that did its utmost to develop what could be called a jurisprudence of prevention: in fact, in line with the absolute priority that Islam gives to the protection of life, almost all its rulings were aimed at preventing the believer from contracting and/or spreading the infection. This is particularly evident in the case of funeral rites: despite the scientific uncertainty regarding the contagiousness of the corpse, the jurists of the Council opted for the most radical option, that of prohibiting *gusl*, a solution which, on closer examination, is in perfect harmony with the doctrinal orientation that has emerged in recent years, with few exceptions, regarding the treatment of corpses in the context of epidemics.

The solutions adopted by the Council to combat the pandemic were therefore fully compatible with those adopted by European governments, some of which were even more restrictive. The more restrictive nature of the ECFR's solutions is perhaps due to its transnational nature: by reaching out to all European Muslims, it had to develop guidelines that could be useful to all believers, even those who lived where the political and health authorities had enacted the most restrictive regulations. The compatibility between the Council's *fatāwā* and

the rules issued by the European health authorities has undoubtedly enabled some Muslims to accept with greater serenity the prescriptions of the political and health authorities of the European country in which they live. It cannot be ruled out that the *fatāwā* issued by the Council to explain to believers the Islamic approach to the fight against the coronavirus was also influenced, albeit secondarily, by its intention to present itself to the institutions of the European countries as a cooperative and reliable partner, in line with its general objective of becoming for them the main authority of reference on matters relating to Muslim communities.

Finally, a comparison of the ECFR's responses with those of the AIGR revealed a strong similarity, to the point of being completely superimposable in some cases. This similarity can be attributed to the role of Amīn al-Ḥazmī who, both as the representative of Italy within the ECFR and as the head of the Laḡnat al-Fatwā of the AIGR, is likely to convey at the national level (AIGR) what has been decided or at least discussed at the transnational level (ECFR).

It can be assumed that the opinions of the AIGR have been particularly well received by the centres belonging to the UCOII, which, in its circular no. 1 of 5 March 2020, entitled *Coronavirus Emergency Provisions for Islamic Communities*, recalled many of the principles present in the responses of the Association (and therefore also in those of the ECFR): the priority of preserving life over the obligation to perform collective prayers (point 1); self-quarantine (point 2); the closure of the centres and the suspension of all activities taking place there, including the five daily prayers and the Friday prayer (points 3 and 4); the obligation to maintain the social distance prescribed by the authorities (point 6); and the prohibition of "exchanging handshakes during greetings" (point 9). The centres that adhere to the UCOII have thus incorporated indications that have their origin in the AIGR rulings, which in turn are influenced by the doctrine of the ECFR. In essence, this means that those who attend the centres affiliated to the UCOII unknowingly follow the guidelines of the Union, which have been deliberately drawn up on the basis of the indications of the AIGR and, therefore, of the ECFR. In Italy, therefore, the ECFR's influence seems to be twofold: direct, in the case of the UCOII, and indirect, in the case of the believers who belong to the centres affiliated to the UCOII. On the basis of the analysis carried out, it is therefore possible to hypothesise that, at least in the Italian case, global Islam has influenced a part of local Islam.

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Defining the calling to Islam in Europe: The European Council for Fatwa and Research's interpretation of Islamic *da'wa*

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Abstract

This paper provides a point of view on Islamic *da'wa* (inviting to Islam) as interpreted in the European context by the European Council for Fatwa and Research (ECFR), the centre established in 1997 to deliver religious and legal guidance to Muslims in Europe. By using the approach of global Islam studies (GREEN 2020), the paper's goal is to look at the modern development of *da'wa* as a multipurpose tool that shapes the role of Muslims in Europe, as well as the relationship between Muslims and non-Muslims and the way the Islamic message is conveyed. As the paper's conclusion illustrates, *da'wa* is a complex concept, especially in countries where Islam is a minority religion. If it is taken as a matter of proselytizing, then the ECFR does not prioritize conversion of non-Muslims over other goals. Instead, the act of spreading Islam among Muslims and non-Muslims in Europe is the way to keep the community together, to read the Islamic tradition in a novel way, to change the perception of European Muslims, to fight Islamophobia, and to find a place as a minority religious community. The study is based on the analysis of European Council for Fatwa and Research publications between 1997 and 2020. The first section of the paper provides the theoretical framework used to frame the topic in scholarship. Therefore, it presents a short introduction to the concept of *da'wa* as shaped by classical sources to the present day. The article then provides an analysis of the ECFR's interpretation of the concept by drawing from the texts and context. Before the conclusion, the last part discusses how the Council's interpretation of *da'wa* is shaping contemporary Islam in Europe.

Key words: Islamic *da'wa*, Calling to Islam in Europe, Global Islam in Europe, Islamic law, Muslim minorities

Introduction

This paper deals with the interpretation of Islamic *da'wa* (calling to Islam) provided by the European Council for Fatwa and Research (ECFR), established in 1997 in London at the initiative of the Federation of Islamic Organisations in Europe (FIOE)¹ and some global Muslim leaders such as Yūsuf al-Qarāḍāwī. The analysis has been conducted on the *al-Majalla*

¹ The Federation of Islamic Organisations in Europe is an umbrella NGO, with hundreds of member organisations across the European states, founded in 1989. Today it is known as Council of European Muslims, <https://www.eumuslims.org/en/home/>, last retrieved 30/10/2023.

al-ʿIlmiyya li-l-Majlis al-ʿUrūbī li-l-Iftāʾ wa-l-Buḥūth, the ECFR’s journal, which contains essays collected during the annual sessions, non-binding legal responses (Ar. *fatāwā*), resolutions (Ar. *qarārāt*) and recommendations (Ar. *tawṣiyāt*) produced by the Council’s members. The study also considered other Council publications such as articles posted on its website. The Council’s production analysed here dates from the period between 1997 and 2020. Most of the sources analysed are in Arabic, scattered among the Council journal and digital media, i.e. a website and an application for mobile phones.² In the interpretation put forward by the ECFR, the conversion of non-Muslims to Islam appears to be one of the primary objectives, along with safeguarding communities of believers, protecting the claim of religious groups in a multicultural context, or envisaging an instrument to legitimise Muslim presence in countries with a non-Muslim majority.

The aim of this paper is to analyse the role of Islamic *daʿwa* in the ECFR by using the approach of global Islam studies, that is, by highlighting the global processes that are transforming contemporary Islamic religion and the environment surrounding Muslim communities, and vice versa. Indeed, globalization has changed the way religions are lived, taught, and spread, but, at the same time, Muslims and Islamic institutions play a key role in the social, political, economic, cultural, and religious spheres with the result of shaping global contemporaneity. Besides the approach presented in global Islam studies, another methodology has been used to analyse the interpretation of Islamic *daʿwa* in the ECFR’s production. This latter approach has been theorized by Critical Muslim Studies.³ It entails mainly considering the Islamic religion as dynamic and as an integral part of the contemporary historical process, away from its supposedly ahistorical character. Further details about the methodology used in this work are provided in the dedicated section below.

Drawing from previous scholarship (MALIK 2018, CASCINO 2021 and 2022), my attempt here is to frame the ECFR’s production regarding Islamic *daʿwa* in a new perspective, i.e., with the aim of highlighting the effort of Muslim scholars and Islamic institutions to shape a novel role for themselves as religious actors in European societies. Their agency indeed triggers change in many ways.

Scientific literature has paid some attention to the concept of Islamic *daʿwa* in recent years. While few scientific works addressed the issue until the 2000s (ARNOLD 1896, POSTON 1992), more attention has recently been devoted to *daʿwa*, with different approaches and in different degrees. As the author of one of the first works to establish the complexity of *daʿwa*, Racijs deserves recognition for being able to grasp and fully restore the diversity of aspects contained in the Islamic invitation (RACIJS 2004). However, it was Kuiper that provided the most comprehensive book with a historical approach and succeeded in including the Islamic concept into a modern, global framework. By compiling the different phases of Islamic *daʿwa*, Kuiper shed new light on the period 1950-2020, when Islamic calling became “increasingly polycentric and multi-directional” thanks to “an accelerating globalisation or transnationalisation of *daʿwa* movements, actors and discourses” (KUIPER 2021: 212). With

2 During the session held in November 2018 in Istanbul, Turkey, the Council launched an application for mobile phones called *al-Dalīl al-fiqhī li-l-muslim al-ūrūbī* (Euro Fatwa in English). The application is currently available in four languages – Arabic, English, Spanish, and Italian.

3 <https://criticalmuslimstudies.co.uk/about-us/>

a combined historical-political approach, Malik and Weismann have also offered an overview of Islamic *da'wa* by offering several examples of invitation to religion in the modern era (WEISSMAN & MALIK 2020).

Some relevant elements have also been provided by studies that were not primarily concerned with calling to Islam. Besides works on Salafi strategies of calling to Islam in Europe (WIEDL 2009; OLSSON 2014), focus has been devoted to *da'wa* among the Muslim Brotherhood, in Muslim and non-Muslim countries alike (LISNYANSKY 2017; MELLOR 2018). Other studies on the global Islamist movement across Europe and the United States mentioned the practice of calling to Islam (MARECHAL 2008; VIDINO 2010; BAKKER & MEIJER, eds. 2012), with a minor focus on its role in the global context. Conversely, studies of Islamic law have provided relevant insights into *da'wa*, especially in the field of Muslim minorities' jurisprudence (MARCH 2009; RYAD 2009; DE ANGELO 2013; VERSKIN 2013; SHAVIT 2015; MALIK 2018). Moreover, research that has examined the European Council for Fatwa and Research, whilst not explicitly exploring *da'wa*, has proven instrumental in contextualising the interpretation of the Islamic call within the wider framework of the Council. Consequently, such research has played a valuable role in understanding the organizational dynamics and function of the Council (CAEIRO 2011 and 2013; LARSEN 2011 and 2018).

As for the research approach, GREEN (2020) applied the method proposed within global studies to the contemporary history of Islam, tracing the Islamic world's past as an integrated whole in a globalized present.

A compass to navigate contemporary Islam

Two approaches are emphasized in this study: one from global Islam scholarship, and another from Critical Muslim Studies.

The first approach, provided by global Islam studies, has been used to examine how globalisation and certain specific events have affected the way Islam is presented to the Muslim community and to the general population. A multifaceted approach to the spread of religious ideas involves taking into consideration the numerous connections and channels through which they are spread. While new transport and communication technologies enabled religious institutions and actors to reach global audiences more easily and faster than before, Muslim migration to Europe and North America after WWII created diaspora populations that needed proper religious services and guidance. As Green pointed out, “[...] global Islam has been produced and distributed by small but active minorities, albeit minorities who are able to make maximum use of the power of networks, communications, and, in some cases, state policies and resources” (GREEN 2020: 139).

The European Council for Fatwa and Research represents a small but active group that over the course of its twenty-five-year history has attempted to influence the way in which Muslim people perceive their role in Europe. As shown in the scholarship, Muslim scholars have been discussing the presence of Muslims in Europe since 1960, considering it both legitimate and necessary (DE ANGELO 2013). The Council joined this trend and continued to advance it by making a relevant contribution to giving *da'wa* a prominent role in the jurisprudence of Muslim minorities. However, a few major scientific studies have questioned the

Council's reach and appeal (SHAVIT 2022) based on a quantitative study of the ECFR's fatwas adopted/implemented by Muslims in Europe. These studies challenged the outcome of the Council's ambitions for hegemony among European Muslims, which is not as high as emphasised in the literature. Indeed, the ultimate limit is lack of organizational resources, particularly noticeable when surfing the Council's English website.⁴ However, while the ECFR's fatwas and resolutions may not guide the individual daily choices of Muslims, the Council's activities have been having a deep impact on other levels. Reshaping the Islamic message in Europe is one of the areas in which the ECFR contributed the most. This effort does not come out of nowhere, though. The Council is engaged in dialogue with the European and global contexts, either chasing or anticipating the contemporary issues of radicalisation, religious extremism, peaceful coexistence. As shown below, the ECFR's interpretations of Islamic *da'wa* have been developed since its foundation, in line with a globally increased attention towards the way of conveying the Islamic religious message in the contemporary era. Notwithstanding, there have been specific times in its twenty-five years of activity when *da'wa* got more attention, especially when terrorist attacks were carried out in Europe or the United States. After 9/11, for example, Council members, along with the President al-Qaradāwī, questioned the way Muslims were conveying religious messages towards their co-religionaries and non-Muslims (BADAWĪ 2005; al-LĀFĪ 2005; al-QARADĀWĪ 2004).⁵ Also, after the terrorist attacks in Europe of 2015 and 2016,⁶ Council sessions were devoted to these topics under the titles of "Fiqh al-'aysh al-mushtarak fī Ūrūbā" (The Jurisprudence of Coexistence in Europe) and "Hady al-islām fī iqrār al-salām wa-l-amān wa-daf' al-zulm wa-l-'adwān" (The Islamic guidance for establishing peace and security and preventing oppression and aggression). During both sessions, ECFR members discussed a number of related issues such as peaceful coexistence and extremism. This data may be read as an interaction, albeit a partly forced one, between the ECFR and the context. Likewise, the interaction is a two-way flow. In order to challenge the waves of islamophobia that followed the terrorist attacks, the Council made an effort to question its role in promoting peace and coexistence. But they went further, reshaping the way Islamic *da'wa* must be considered. Rather than

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- 4 <https://www.e-cfr.org/en/> (last retrieved 11/07/2023). It should be noted that the Council also has other means of communication. Firstly, the Arabic version of the website is more updated than the English one. Besides social media such as Facebook, Twitter, Youtube and Instagram, plus a mobile application. Overall, Arab or Arabophone users can have total and better access to the Council's work.
- 5 Al-Lāfī is not a permanent member of the Council but did participate in its work during the ordinary session which was held in London in 2004. It is not unusual for the ECFR to host reflections from other scholars, regardless of their religious affiliation. For instance, Olivier Roy, a professor at the European University Institute in Florence, Italy, took part in the regular 2006 session held in Istanbul, while Lena Larsen, a researcher at the Norwegian Center for Human Rights, participated in the 2014 session which took place in Istanbul. In addition, Maurits S. Berger, a professor at the Dutch University of Leiden, attended the ordinary session hosted in Sarajevo in 2007.
- 6 Here, the reference is made to the series of jihadist attacks that occurred in European countries in those years, including the assault on the Parisian headquarters of the French satirical newspaper, *Charlie Hebdo*, that resulted in the loss of twelve lives in January 2015. <https://www.consilium.europa.eu/en/infographics/terrorism-eu-facts-figures/>, last retrieved on 10 October 2023. However, it must be noted that jihadist attacks did not solely occur in Europe, as a matter of fact, the majority of such incidents in 2015-2016 happened outside European territories, <https://www.visionofhumanity.org/maps/global-terrorism-index/#/>, last retrieved on 10 October 2023.

being solely a defensive mean, calling to God has become an opportunity for Muslim minorities all over the world, according to the ECFR's interpretation. Such a two-way interaction is the process described in Green's book as 'global Islam', which "comprises the different forms of Islam disseminated by activists, organizations, and states that made effective use of the mechanisms of globalization. This means that global Islam is neither the sum nor the outcome of fourteen centuries of Islamic tradition. Rather, it is the result of attempts to reform, reject or occasionally recover such traditions in response to a century and a half of intense interaction with non-Muslim states, societies, ideas, and institutions" (GREEN 2020: 131).

Moreover, in analysing the ECFR's production some specific elements of the methodology proposed by Critical Muslim Studies have been used, such as questioning the categories and concepts used to understand Islam so far. The latter approach is meant to not ignore the heritage of Islamic religious studies, but to re-read it critically by questioning its suitability to current circumstances. Applied to the present research, this approach is based on the belief that Islam is strongly dynamic, and that producing new interpretations is instrumental in bringing about changes in the religious phenomenon and in its relationship with the contemporary world. It means contributing to the history of contemporary Islam by avoiding essentialism and placing it in relation to the global character it possesses.

This approach leads to a few other considerations related to the present research. First, it prevents us from considering the ECFR's work as a simple offshoot or a branch office of the political and religious movements from the West Asia and North Africa (WANA) region, i.e. the Muslim Brotherhood and the like. Even though many of the Council's members were or still are involved in political and religious groups in WANA countries, they are fully aware of the specific context in which they find themselves acting. In fact, differences among Council members in terms of age, charisma, language, and training make the ECFR a multifaceted body (CAEIRO 2011: 89).⁷

In Amīn al-Ḥazmī's words, the only Council member based in Italy, being a minority in the European setting represents more of an advantage than an obstacle, as he strongly emphasised during our interviews in 2019.⁸ Rather than implementing a foreign agenda, ECFR's members make use of the opportunity of being a religious minority in a quite liberal environment.⁹ The ECFR's effort at reshaping the Islamic message must be read in this light. It is precisely because the Council speaks for and to a minority that its agency must not be underestimated. Questioning the ways *da'wa* is conducted and building a new ethic of calling to Islam in Europe is a driver of change for the Council and for the entire *umma*. In this sense,

7 More specifically, some Council members have backgrounds and contacts outside the WANA region. For example, the current President, Suhaib Hasan Abdul Ghaffar, has British citizenship but was born in India. Similarly, the current Secretary General, Husssein Halawa, is of Egyptian origin but spent years studying in Pakistan. Nevertheless, members from WANA countries make up the majority, which is why I made this clarification about ideological affiliation to movements in the region. It is also worth noting that despite the diverse composition of the Council, Arabic remains the most widely used language for internal and external communication.

8 Interview with Amīn al-Ḥazmī at the Islamic Cultural Center of Brescia (via Corsica, 361-Brescia), Italy, October 8, 2019. Translation from Italian into English has been made by the author.

9 The debate surrounding the degree of liberalism present in secular democracies throughout Europe is extensive, however it is not the focus of this paper. Instead, this sentence solely presents the concept put forth by al-Ḥazmī.

a small group of Muslims are trying to adapt a religious cornerstone, such as the Islamic *da'wa*, to the context by introducing new elements and perspectives.

Secondly, in a very connected world, the ECFR's effort has gone beyond European borders. Some of the Council's fatwas and resolutions triggered a worldwide debate because they were somehow breaking the tradition. Among those, permission for a Muslim woman to stay married to a non-Muslim man¹⁰ (MBUTHIA 2018, SHAHAM 2018: 125-144) or permission for Muslims to join European armies¹¹ (NAFI 2004: 78-116). Many of these decisions have been inspired by the need to find a balance between respecting and safeguarding religious law and relieving the hardship of Muslim people in Europe (CAEIRO 2011: 133). However, the ECFR's controversial statements opened a debate and shed light on the importance of the Islamic call. According to al-Qaraḍāwī and the Council's members, for the sake of the *maṣlaḥa*, i.e., the legal concept of 'general good' or 'public interest', religious laws may be waived. In this context, the *maṣlaḥa* is represented by the Islamic *da'wa*, understood as a means to safeguard the community and to strengthen the relationship within the *umma*, but also to build a relationship with non-Muslim people.

Third, avoiding essentialism while studying Islam also entails considering the complexity of Muslim populations in Western Europe. Although most of them have a migratory background, there are also converts and generations with little to nothing related to foreign countries. Their specific situation must be considered in the general picture and in studying Islamic *da'wa* as well. For example, ECFR members paid great attention to removing possible obstacles to new converts in many fatwas and resolutions.

From classical sources to the 20th century: a brief history of the Islamic *da'wa*

Da'wa, in its general sense of a call to the way of God, is commonly known to be an obligation of all Muslims (Q. 16:125). The Islamic invitation plays a crucial role in Muslim minority law and in the fields of study regarding Muslim migration (*hijra*). As pointed out by March's studies, "almost any contemporary treatment of the *hijra* question will involve some references to *da'wa*" (MARCH 2009: 71). Despite *da'wa*'s major role in such fields, the concept of calling to Islam is as old as the religion itself. In the Qur'ān the term *da'wa*, from the Arabic verb *d-ʿ-w*, is used with other meanings alongside the more specific one of invitation to religion. In fact, according to the Fluegel Index, as reported by Racijs, the term *da'wa* occurs more than a hundred times, so the act of referring to the divine Message is only one of the meanings present in the Text (RACIJS 2004: 31). Among them, the word *da'wa* is used for the act of praying (Q. 2:186; 10:89).

The Qur'ān also mentions those who perform *da'wa*. In addition to the believers, whose invocation is translated with the all-embracing term of prayer, the Prophet Muḥammad is also

¹⁰ Resolution 3/8 *Islām al-mar'a wa-baqā' zawjihā 'alā dīnihi*, available at <https://tinyurl.com/52dfsyen>, last retrieved on October 10, 2023.

¹¹ Fatwā 8/27 *al-Indimām ilā l-quwwāt al-musallaha fī Brīṭāniyā*, available at <https://tinyurl.com/3uhads3v>, last retrieved on October 10, 2023.

repeatedly referred to by the appellation of *dāʿī*, the one who invites (Q. 33:46; 46:31-32). Therefore, Muḥammad's mission on Earth consists in calling and inviting his community to religion, to submission to God. A further verse in the Qurʾān refers to the concept of calling to religion as an indication of the right path: "You call them to a straight path" (Q. 23:73).¹² The verse insists on Muḥammad's role and his task of showing people the way: in this sense, the Prophet's *daʿwa* is equated with the right path, the *sharīʿa* (WALKER 2009: 34).

The Qurʾān presents three types of actors for *daʿwa*: God, prophets/messengers, and mankind. In fact, the term *daʿwa* is used in reference to man's prayer to God, the call of divinity to mankind, and the action of men, whether prophets or not, to invite their brethren to follow religion. If the first two categories seem clear enough, the last one appears more controversial when it comes to who, according to the Qurʾān, should lead the invitation to Islam after the Prophet Muḥammad. Indeed, the debate about the interpretation of verse 104 of the *sūra* "al-ʿImrān", which says "Be a community that calls for what is good, urges what is right, and forbids what is wrong: those who do this are the successful ones", is still going on, i.e., whether it should be considered an individual or community duty.¹³

The invitation to religion is also recalled in the *Sunna* of the Prophet. Among the many prophetic traditions mentioning the invitation to Islam, a Muslim's *ḥadīth* tells of the value attributed to *daʿwa* and the reward reserved for those who carry out this action. Abū Hurayra (7th century) reports that he who calls people to righteousness will receive the same reward as those who follow the right path. Likewise, he who invites error will bear the same guilt as those who commit such an error.¹⁴ The Prophetic *Sunna* also mentions converting people to Islam as a specific duty for Muslims. In another tradition compiled by Muslims, Abū Hurayra repeatedly invited his mother to convert to Islam, without obtaining any result other than contempt for the Prophet and his Message. After complaining to Muḥammad, Abū Hurayra heard the Prophet invoke God's help to resolve the matter.¹⁵

However, the *Encyclopaedia of Canonical Ḥadīth* by Juynboll contains only two accounts under the heading 'Invitation', both handed down by the Meccan Sufyān Ibn ʿUyayna. The second one concerns the call to Islam made by some Muslims engaged in a mission, who came across a non-Muslim man, unaware of the Islamic religion. They invited this man to embrace Islam or, alternatively, to be prepared for death. The narrative ends when the Muslims allow this man to say goodbye to his entourage made up of camels and women, and then kill him (JUYNBOLL 2007: 598). The invitation to religion becomes obligatory when a Muslim meets a person of another religion. More precisely, the prophetic tradition claims that those who do not know Islam are exempt from guilt. However, after an explicit invitation to conversion, responsibility falls on the one who does not respond positively to the call.

¹² All the translations of the Qurʾān are taken from *The Qurʾān*. Translated by M. A. S. Abdel Haleem. 2004. New York: Oxford University Press.

¹³ An extensive literature exists on the institution of the *ḥisba*, the act of commanding right and forbidding wrong. See COOK 2004.

¹⁴ <https://sunnah.com/muslim:2674>, last retrieved on 09/04/2023.

¹⁵ <https://sunnah.com/muslim:2491>, last retrieved on 09/04/2023.

Islamic *da'wa* in the classical law scholarship relates mainly to the political context, i.e. to territorial disputes in favour of a party, a family or a dynasty in a broader sense. The classical legal texts belonging to the genre of *siyar*, namely the conduct to be adopted in relation to other communities, were composed starting in the 8th century AD.¹⁶ According to this scholarship, the world was divided into two: *dār al-islām*, the place where Islamic laws were applied in peace and security; *dār al-ḥarb*, the territory in which it was not possible to apply the laws of Islam. Non-aggression pacts, *dār al-‘ahd*, could be in place between these two poles, providing temporary peace.¹⁷ This antithetical division of the world was not present in the Qur’ānic text, which, however, specifies that the mission of the Prophet Muḥammad was to guide mankind to the right path. Classical legal sources inform us that refusing to accept this call represented the *ius ad bellum* for which a war or a battle could be considered just. Abū Yūsuf (729-798), disciple of Abū Ḥanīfa (699-767), in his “Treatise on Taxes” (*Kitāb al-kharāj*) describes in detail the methods of invitation to Islam and the circumstances in which it must be conducted (YŪSUF 1979). However, the “Treatise on Taxes” fits into a specific historical moment in which Muslims were living in a phase of territorial expansion, which is why Abū Yūsuf focuses on how Muslims must conduct themselves in battle.

During the Abbasid period there were numerous examples of *da'wa* activities, especially during the governments of al-Qādir (991-1031) and al-Qā’im (1031-1074). The caliphs also engaged the main theological-juridical thinkers of the time to guarantee political-religious legitimacy. Generally speaking, during the period of the Abbasid dynasty (750-1258) there was a strong need for the caliphs to define their legitimacy, also from a religious point of view, probably because there were threats to the stability of the caliphate. The symbol of this political-ideological operation is represented by “The rules of government and the protection of religious matters” (*al-Aḥkām al-sultāniyya wa-l-wilāyāt al-dīniyya*) by Abū al-Ḥasan al-Māwardī (972-1058). The text insists on the role of the caliph and the emir with regard to the protection of religion, both within the same community of Muslim believers, and with regard to the *da'wa* activities addressed to those who still do not know the message of God and the Prophet. As reported by al-Mawārdī in the “The rules of government”, the presence of a government in charge of controlling the economic and social aspects of the community relieved the individual Muslim of his individual duty, thus making the task of *da'wa* a community duty (*farḍ al-kifāya*) (LAOUST 1968: 34).

Although the focus of this research is the Sunni *da'wa*, it should be remembered that also the Shiite *da'wa* was flourishing, especially in the period of the foundation of the Ismaili dynasty of the Fatimids (9th-10th century AD). Even after the fall of the Fatimid empire (11th

16 From the root of the verb s-y-r “to move”, “to leave”, the term has a generic and a technical meaning. The former denotes a particular form of behavior handed down in the biography of a person who has become a model. Indeed, the singular form (Ar. *sīra*) usually refers to the biography of the Prophet. In the plural, however, it is used for the lives of saints or to narrate reports of military campaigns, hence the technical meaning regarding the conduct of behavior to be assumed in relation to other communities. This technical meaning of the term came into use starting from the second half of the 8th century, through the works of the scholars of the Ḥanafi legal school, especially al-Shaybānī (d. 804) and Abū Yūsuf (731-798).

17 On the differences in the interpretation of the categories of *dār al-islām/dār al-ḥarb* in the various legal schools, see ABOU EL-FADL 1994.

century AD), the Ismaili *da'wa* remained constant and allowed the survival of various communities in the Middle East and beyond.

A relevant contribution to the study of *da'wa* in the pre-modern era comes from Abū al-Walīd ibn Rushd (1126-1198), also known as Averroes, who, in addition to being a great philosopher, made a significant contribution to the development of the jurisprudence of the Mālikite school. In his text, “Primer of the Discretionary Scholar” (*Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*), he stresses the importance of promoting the call to Islam. In the chapter dedicated to the *jihād*, he recalls how all the scholars agree in claiming the invitation to religion as a *kifāya* (community) duty. Furthermore, the first condition for a war is that the invitation to the Islamic religion must first be addressed to the enemies, even if there is no agreement among scholars on the number of invitations to be addressed (IBN RUSHD 1983: 441-449).

In the classical period the invitation to religion was also analysed by the Tunisian historian Ibn Khaldūn (1332-1406). Despite not being part of the juridical-religious tradition, in his “Introduction” (*Muqaddima*) he highlights the difference between the wars fought by Muslims, therefore originating from the desire to defend or spread the religion, and the battles undertaken by other populations. Starting from this consideration, Ibn Khaldūn argues that there are two ways of founding a dynasty: exploiting a momentary weakness of the current dynasty, or inciting the people through propaganda. The latter way can also include religious propaganda, if it turns out to be functional for the purpose of conquest (IBN KHALDŪN 1967: 128-140)

Later, during the Ottoman Empire (14th-20th century AD), the spread of the Islamic religion found new life thanks to territorial expansion and slow Islamization. Although fewer sources exist regarding the call to religion during the Ottoman period, it can be argued that even before the renewed interest in Islamic *da'wa* that emerged at the end of the 20th century, the call to Islam still maintained a relevant role despite the Ottoman Sultanate marking a period of general crisis in Islamic history. For example, the *da'wa* of ‘Abdulhamid II (1842-1918) took on a systematic form with the sending of emissaries across the empire with the task of preaching the Islamic religion and, at the same time, submission to the Sultan. In fact, rebellions were frequent in many areas of the empire, above all in Mesopotamia and Yemen, so the attempt to appeal to Islam as a unifying factor for an empire which was then in pieces prompted the Sultan to organize the sending of ‘missionaries’, who, however, also acted as spies and emissaries of the central power.

From the late 19th century there was an intensification of activities and debate around the invitation to Islam. Factors that influenced this growth included the major spread of Christian missions in Islamic countries and the colonial threat that introduced new cultural and religious systems into colonized countries with a large majority of Islamic tradition. The Ottoman Empire’s slow decline favored colonial powers’ penetration of its territories. Even in the Islamic lands washed by the Indian Ocean, Christian missionaries first, and the British advance later, had the effect of intensifying *da'wa*. In 1927 Muhammad Ilyas al-Kandhlawi (1885-1944) founded the Society for Teaching and Propagation (Jamā‘at al-Tablīgh) in India. Ilyas emphasized the duty to invite peripheral Islamic communities - especially minorities - and non-Muslim neighbors to the way of God. He organized a group of members and sent them around the country to build a network of mosques and Islamic schools. His interpretation of *da'wa* was to call for intensified religious practice through prayer and moral conduct.

The spread of the movement was rapid: by the mid-1940s, Tabligh were present in many countries of the Indian Subcontinent, and ten years later in Europe and Africa.¹⁸

The increasing interest in the spread of Islam should be read primarily in the framework of the internal dynamics of the history of modern Islam and the need for reform that arose from numerous elements, including - but not limited to - the impact of missions and colonialism. Indeed, the Islamic revivalism of the 19th and 20th centuries went far beyond the cultural rejection of ideas introduced by colonialism. As stated by Kuiper,

the first root of the modern resurgence in da‘wa is the long tradition of scripturalist reform in Islam itself. That is to say, modern da‘wa is not first a reactionary phenomenon, but something internally generated. Closely related to this is the old Islamic notion and experience of *tajdīd* (renewal). (KUIPER 2021: 74)

One example of associations that arose in the wake of the reformist current was the Society of Invitation and Guidance (*Jam‘iyyat al-da‘wa wa-l-irshād*) of Rashīd Riḍā (1865-1935), founded in 1911. Despite numerous promotion efforts, the association failed to carry out major projects and remained an almost empty shell for several years until it was finally closed. In the thinking of the Muslim Brotherhood, founded in Egypt in 1928, *da‘wa* was also primarily understood as an obligation to the community of believers: it was indeed a call for the practice and observance of religious obligations (prayer, fasting, ritual almsgiving) in order to restore a system of religious values and norms in all aspects of public and private life, at the individual, family, community, and institutional levels.

Calling to Islam in non-Muslim countries

Even though the application of Islamic law for Muslims living under non-Islamic forms of government has been a topical issue since the classical period, the massive emigration from Islamic countries to Western Europe and the United States over the last century led to the creation of large Muslim communities in the countries of arrival and boosted a reflection on Islamic law for Muslims who have settled in non-Muslim countries. The outcome of this debate is what is today called *fiqh al-aqalliyyāt* (minorities law) in Arabic. It started around the permissibility of Muslim settlement in Western countries according to Islamic law. However, since the 1980s, the number of topics related to the Muslim presence in Europe and the US has increased along with the debate about the methodology and the outcome of the *fiqh al-aqalliyyāt*. So far there is not one unanimously accepted definition of this branch of *fiqh* and its very nature is still rather controversial (DE ANGELO 2011). Even though the legitimacy of a specific *fiqh* for Muslims living in non-Muslim countries is still not accepted by some parts of the *umma*, many councils have been established in order to meet the guidance needs

¹⁸ According to several studies, the growing global popularity of bottom-up Indian styles of *da‘wa* may be attributed to the similarities between the situations of many Muslims worldwide and those of India’s Muslims. The term *disestablishment* refers to the removal of Islam as the official public religion of the Mughal Empire, relegating it to the status of one of many options in the colonial religious marketplace (KUIPER 2018: 6). This statement is generally true, but it does not apply to Western Europe, where Muslim communities formed by migration did not experience the same *establishment* moment.

of minorities in Europe and the US. Those councils produce novel interpretations by seeking a balance between text and context. As was pointed out, “people living in non-Islamic countries asking for opinions on Islamic law are producing (or at least stimulating the production of) Islamic law” (DE ANGELO & TOLINO 2017: 152). As for the elaboration of fatwas (non-binding legal opinions, Ar. *fatāwā*), both the person who asks for the opinion (Ar. *mustaftī*) and the jurist who elaborates it (Ar. *mufīṭ*) ought to be considered actors of change.

In the present study the focus is on jurists and scholars engaged in meeting the needs of Muslims in Europe. Indeed, the field of *fiqh al-aqallīyyāt* has acquired a degree of institutionalisation thanks to local and international Muslim juristic councils such as the European Council for Fatwa and Research, the American Muslim Jurists Association (AMJA), the Fiqh Council of North America (FCNA), the Islamic Fiqh Academy, al-Azhar, etc. In spite of that, most of the prominent figures involved in the debate have or had some affiliation with modern movements of political Islam in Muslim-majority countries, and their activities and stances have a transnational dimension as most of them are broadly known all over the world thanks to mass media.

Adapting Islamic law to a minority context comprises focusing on the principles of the law itself. Among the main elements of the *fiqh al-aqallīyyāt* there are principles such as *ḍarūra* (necessity),¹⁹ *taysīr* (facilitation),²⁰ and *taḥfīq*.²¹ (SHAVIT 2022: 344-349) Those principles make part of the majoritarian approach in the the jurisprudence of minorities defined as *wasafī*. The *wasafīyya* is a Qur’ānic concept referring to the Islamic *umma* in the well-known verse 143 of the *sūra* “al-Baqara”. The term *wasafīyya* should be understood as the right means and comes close to what is virtuous and easy. Alongside the goal of facilitating Muslims’ lives, the *wasafīyya* approach aims to encourage the spread of Islam through the *da’wa*.²²

The institution that has most embodied the *wasafī* approach in the development of the *fiqh al-aqallīyyāt* in Europe is the European Council for Fatwā and Research, which produces jurisprudence in the form of legal opinions (fatwas), resolutions and essays. The ECFR was founded in 1997 at the initiative of the Federation of European Islamic Organizations (FIOE) and was led by Yūsuf al-Qaraḍāwī until 2018.²³ Although the periodic sessions are held in different European cities, including in Turkey, the official ECFR headquarters are located

19 Principle of necessity, be it social, economic or of any other nature, that jurists must take into consideration when interpreting sources.

20 Principle of facilitation, according to which the state of difficulty leads to a process of facilitation whereby the legal interpretation of difficult situations should be aimed at making the life of the believer less difficult, where possible.

21 To use transversally the interpretations of different legal schools which, taken individually, would invalidate a decision, but through the process of the *taḥfīq* legitimize a decision according to Islamic law. s.v. *taḥfīq*, in *al-Mawsū’a al-Fiqhiyya al-Kuwaytiyya*, Wizārat al-Awqāf wa-l-Shu’ūn al-Islāmiyya, Volume 13, 2nd edition, al-Kuwaīt 1990, pp. 293-294.

22 The motto of the *wasafī* approach scholars and institutions is *al-taysīr fī l-fatwā wa-l-tabshīr fī l-da’wa*, namely the facilitation in issuing fatwas and the act of inviting to Islam without highlighting firstly—or, in some cases, only—the negative aspects of the religion, such as fear of divine punishment, the threat of the consequences of actions or frustration, rather emphasizing hope and promises (KASSĀB 2006: 244-248).

23 In November 2018, al-Qaraḍāwī was replaced by ‘Abd Allāh al-Juday’, Iraqi by birth, British citizen and former vice-president of the ECFR. Al-Qaraḍāwī died a few years later, on 26 September 2022.

inside the Islamic Center of Clonskeagh, in Dublin, financed by the al-Maktoum Charity Foundation, founded by shaykh Ḥamdān Ibn Rāshid al-Maktūm, deputy sovereign of the emirate of Dubai (CAEIRO 2011: 83).

Originally conceived as a temporary council, the ECFR was intended to make up for the absence of Muslim jurists in Europe, oscillating between the effort to cultivate Islamic religious subjectivity and the need to integrate Muslim communities in Europe. The public discourse carried out by its members as well as the jurisprudence produced is often marked by the tension between revivalism and the promotion of integration (CAEIRO 2010: 435-449). This tension emerged from the theoretical elaboration of Islamic *da'wa*. By building on the idea of missionary migrants, ECFR founders aimed at interpreting the duty of calling to Islam in a novel way. In their interpretation, residing in non-Muslim countries represents a chance, or even a need, to convey the religious message. The point is not to convert to Islam at any cost, even because the ECFR's main efforts are still oriented towards the *umma* itself, the community of believers. Actually, the aim is to shape a new ethics for Islamic *da'wa* and a novel role for Muslims in Europe. European Muslims—especially the new generation—create the demand for a legal interpretation that can meet current needs and challenges, including the way the religious message is conveyed. During its twenty-five years of activity, the Council has gone even beyond the idea of its late Deputy Chairman Fayṣal Mawlawī, who in 1987 elaborated the concept of *dār al-da'wa* (the abode of *da'wa*) in search of a new definition for territories such as Europe and the United States, which had become destination countries for a large community of Muslims (MAWLAWĪ 1987). Similarly, Ṭāḥā Jābir al-ʿAlwānī, founder of the Fiqh Council of North America, stated that “Because the message of Islam is universal, non-Muslim countries should be regarded as *dār al-da'wa* (the Abode of Proselytizing)” (SHAVIT 2015: 424).

Indeed, ECFR members build their interpretations mainly on the Islamic tradition elaborated in Muslim countries, while their thinking is oriented towards Muslims in Europe, which means that the words and means to spread the religious message are chosen to fit a European public.

How *da'wa* is shaping Islam in Europe

The close relationship between the minority condition and the invitation to religion on the one hand and the need to reform the Islamic message on the other is found in the final declaration (*al-bayān al-khitāmī*) of the 31st Council session, held in December 2020 under the title “The jurisprudence of the Islamic presence in Europe between its shariatic objectives and its jurisprudential principles” (*Fiqh al-ḥudūr al-islāmī fī ʿUrūbā bayna maqāṣidihi al-sharʿiyya wa-uṣūlihi al-fiqhiyya*). The first resolution (*qarār*) of this session concerns the main points (*munṭalaqāt*) for adapting Islamic jurisprudence to the presence of Muslims on the continent, a sort of general guidelines. One of them mentions the dimension of the universality of the Islamic message (*al-buʿd al-kawnī li-l-risāla al-islāmiyya*). These main points are illustrated in more detail in the requirements (*muqtaḍayāt*) section, which contains the principles on which the legal interpretation (*ijtihād*) and the production of fatwas on issues relating to Muslims in Europe are based. Among the *muqtaḍayāt*, the fourth one is the responsibility (*masʿūliyya*) of believers in making their religion known (*al-taʿrīf bi-dīnihim*) in

order to achieve mutual knowledge (*al-ta'aruf al-mutabādal*), to strengthen the bonds of co-existence (*tawfīd awāshir al-'aysh al-mushtarak*), dialogue (*al-hiwār*) and cooperation (*al-ta'awun*).²⁴ On the basis of this Council declaration, it is possible to make some claims. First, quite obviously and in accordance with Islamic tradition, it is the responsibility of Muslims in Europe to spread the Islamic message. Second, spreading the religious message in Europe clearly has other goals than simply converting the person invited to Islam. Third, the adaptation of Islamic jurisprudence to the European context should be based on this framework, i.e. whenever the members of the Council make an effort to interpret the Text and the context, their interpretation should be guided and oriented to facilitate the responsibility of Muslims to spread Islam. Although this resolution was adopted during the 2020 session, it should not be thought that this position was a novelty at the time. In fact, it has been a constant feature of the Council's work since it was established.

Indeed, since the very beginning of the ECFR's activities, conveying the religious message has been an important objective mentioned in the early documents. As shown above, among the foundational principles of the *fiqh al-aqallīyyāt* in Europe and the US, there was the claim that residing in non-Muslim majority countries would be an opportunity for believers to spread the word of God. This was the first step to legitimize the Muslim presence in Europe and the US. However, when the ECFR was founded at the end of the 1990s, the number of topics related to the Muslim presence in Europe and the US had already increased. Almost each of the new topics that emerged during the twenty-five years of ECFR activity was interpreted bearing in mind the balance between safeguarding Islamic tradition and promoting Muslim integration. Yet, more than the quest for balance, *da'wa* was the key principle that guided the members of the Council.

In 2008, the ECFR issued a resolution involving the possibility for Muslims to obtain mortgages in Europe. In confirming the prohibition of usury, as declared in the Qur'an (Q. 30:39 and 3:130), the Council invited European Muslims who need to buy a house to find viable alternatives to the interest-based financing system. Therefore, reference is made to products such as the *murābaḥa* or, also, to the possibility for Muslims to associate and set up a banking institution that follows the financial rules of the Islamic religion. However, if none of these possibilities is available, the Council states that the Muslim can proceed with a loan from a European bank. Among the reasons provided by ECFR scholars for this derogation, mention is made of the need (*ḥāja*) for Muslim communities to improve the quality of their life in Europe. By doing so they could devote themselves better to providing a positive image of Islam, to deepening one's religion and to serving the community. Therefore, the Council highlighted Muslims' responsibility to spread the Islamic message in Europe. This approach takes into consideration community objectives relating to *da'wa*. The duty of *da'wa* allows for the derogation from otherwise prevailing religious rules, such as access to financial instruments, that do not comply with Islamic rules.²⁵

24 ECFR final statement of the thirty-first session, *Fiqh al-ḥudūr al-islāmī fī Ūrūbā bayna maqāsidihī al-shar'īyya wa-uṣūlihi al-fiqhiyya*, available at <https://tinyurl.com/5n6hrn2>, last retrieved on September 27, 2023.

25 Resolution 2/4 *Ḥukm shirā' al-manāzil bi-qarḍ bankī ribawī li-l-muslimīn fī ūrūbā*, available at <https://tinyurl.com/yz5bdre5>, last retrieved on September 27, 2023.

The possibility of derogating from the rules in order to spread the religion also appears in the fatwa on the language to be used for the *khuṭba* (sermon) in Europe. When asked by a community resident in Great Britain about the permissibility of giving the sermon in English considering that most of the believers present during the congregational prayer do not understand Arabic, the Council replied affirmatively. Since the objective of the *khuṭba* consists of teaching (*taʿlīm*) and guidance (*irshād*), taking into consideration the language of the recipients is fundamental, as claimed by the Qurʾān (16:35 and 14:4). On the other hand, most *fuqahāʾ* believe that there is an obligation to deliver the sermon in Arabic since it is recommended to include verses from the Qurʾān, traditions or even just mention the name of God in it. Even though these elements should be expressed in Arabic, the Council members considered the importance of understanding their meaning, which led to considering the legitimacy of a sermon in a language other than Arabic, thus legitimizing this possibility in the light of the teachings of the Ḥanafite school, the only legal school to contemplate such eventuality.²⁶

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This fatwa came a few years after the stance on the translation of the Qurʾān provided by ECFR member al-Shaykhī during the 2015 session. Indeed, al-Shaykhī affirms that the duty of *daʿwa* is fulfilled when the recipient of the message is addressed using a language they know. Therefore, religious teaching, including revealed sources and related interpretations (including *khuṭba*), must reach the addressee in his or her mother tongue in order to reach a high degree of certainty (AL-SHAYKHĪ 2017: 175-177). However, the possibility of translating the Qurʾānic text into a language other than Arabic is a controversial issue also within the Council, as well as in the Islamic world. Indeed, during the 18th meeting of the ECFR, held in 2009, the members of the Council drafted a resolution according to which:

Since the method of reciting the Qurʾān depends entirely on successive recitation, it is not permissible to write the Qurʾān in non-Arabic letters, either in whole or in part. The method of reciting the Qurʾān depends on the transmitted tradition, and its narrated rules are final. Writing the Qurʾān in any other language does not fulfil these conditions and leads to a distorted recitation. It is also forbidden to print, publish, or trade in the Qurʾān written in non-Arabic script. If it is impossible to read the Arabic text of the Qurʾān, especially in the case of non-Arab converts, when learning certain key chapters, e.g. al-Fatihah, then they are exempted from this prohibition and may have it transliterated, provided it is accompanied by a recitation by someone competent in Arabic. The texts should then be destroyed.²⁷

Thus, when it comes to translating the Qurʾān, the Council appears reluctant. According to the essays presented in that session, written by Ṣāliḥ al-ʿAwd, the habit of writing the Qurʾān in the Latin alphabet to make pronunciation easier for people who are not familiar with the Arabic language has become quite common. According to the author, Muslims in the West risk losing contact with the Arabic language.²⁸ However, the main risk is that the Qurʾānic

26 Fatwa 1/12 *Khuṭba al-jumuʿa bi-ghayr al-luḡha al-ʿarabiyya*, available at <https://tinyurl.com/4mwp5wfx>, last retrieved on September 27, 2023.

27 Resolution 5/18 *Iqnāʿ al-umma bi-tahrīm «kitabat al-Qurʾān bi-l-ḥurūf al-lātīniyya»*, available at <https://tinyurl.com/3tzxey6b>, last retrieved on September 29, 2023.

28 AL-ʿAWD Ṣāliḥ, *Iqnāʿ al-umma bi-tahrīm «kitabat al-Qurʾān bi-l-ḥurūf al-lātīniyya»*, essay presented

message may be distorted in the process of transliteration. So, in this specific case, ECFR members did not exert any leverage against the classical interpretation in order to broaden the message and prioritise *da'wa*.

The attention for *da'wa* on the European continent, highly encouraged especially in the *wasafi* approach, has led to an internal debate on the ways of inviting people to Islam, not specifically non-Muslims. In fact, the main effort of ECFR members has been directed towards believers themselves who are facing particular challenges from a social, economic, political and confessional point of view. In other words, the minority condition and the historical contingencies linked to the terroristic threats require, according to some ECFR jurists, a review of the invitation to religion addressed to Muslims first. For instance, in one of his essays, al-Ḥazmī, the only ECFR member based in Italy, calls for a reform of *da'wa* in non-Muslim majority countries. He identifies six fundamental requirements for calling his co-religionists in Europe to Islam, based on a long journey of personal observation. The first requirement concerns the human side of Islam. The mufti traces the centrality of the human element in the Islamic religion starting from the numerous times in which the Qur'ān uses the terms *insān* (man) and *nās* (people), respectively 63 and 240 times, in addition to the fact that the seventy-sixth *sūra* is entitled “al-Insān”. The human dimension translates into a feeling of brotherhood without distinctions of social position, skin color, language or wealth. The difference in religion, according to his stance, cannot be a justification for not respecting the human dimension of the Islamic Message: this clarification must be directed first of all to those Muslims who do not demonstrate solidarity except with the Muslims themselves (AL-ḤAZMĪ 2016: 199-213).

The prohibition of showing affection towards non-Muslims has its origins in some parts of the Revelation. The principle of *al-walā' wa-l-barā'* - amplified and exaggerated in Salafi and jihadist circles, translated as loyalty towards Muslims and disaffection towards all those who do not profess the Islamic religion - represents a limit to peaceful coexistence and is the result of a reading of the sources which fails to consider the context in which the Revelation occurred. From this consideration arises the second requirement of *da'wa* in the European context, that is, the imperative to take into account the context of the Revelation of some verses of the Qur'ān, which have been interpreted as being contrary to peaceful coexistence (AL-ḤAZMĪ 2016: 203).²⁹

The invitation to religion that al-Ḥazmī hopes for must be firmly embedded in the reality of the believer. Calling for Islam in Europe means focusing on the here and now of Muslims, without lingering on the ancient splendors of Islamic history, imprisoned in a past that leaves no room for the future. This third recommendation also urges not to create an Islamic imagination based only on the military expeditions of the *umma* and the victories achieved, almost as if in search of redemption in the face of a minority condition. On the contrary, a good *dā'ī*

during the 18th ECFR session, held in Dublin in 2008, available at <https://tinyurl.com/2p83wtp6>, last retrieved September 30, 2023.

²⁹ More precisely, although the concept of *al-walā' wa-l-barā'* is central to Salafi ideology, to varying degrees and intensities depending on the religious actors, it did not prevent Salafi Muslim jurists from considering it legitimate to reside in countries with a non-Islamic majority. Indeed, the spread of the Islamic religion was considered a valid reason to reside among non-Muslims, according to the interpretation of Salafi jurists (DE ANGELO 2017).

is called to speak about the Revelation within the context in which it finds itself and with an eye to the future, avoiding remaining stuck in the past (AL-ḤAZMĪ 2016: 204). Likewise, based on the same principle, a further recommendation urges us not to linger in the details concerning the political and economic life of Islamic countries. Although the fate of Muslims throughout the world is a theme dear to the entire *umma*, the risk of focusing on geographical issues distant from European believers might distance them from the religion itself, especially in relation to the younger generations (AL-ḤAZMĪ 2016: 205). It is a targeted and necessary political disengagement, which would make room for new themes and issues, such as the principle of citizenship. This would be an opposite trend compared to previous generations of Muslims in Europe, who were more linked, however, to the political vicissitudes of Islamic countries, also due to personal paths.³⁰

A further invitation to moderation also concerns the description of the reality of the *umma* in Europe. Avoiding extremism means building a religious message that does not exaggerate the corruption of European society to the point of stigmatizing it and, at the same time, does not give in to the easy temptation of commiseration due to the daily difficulties that believers face in Europe. Framing a true reality distant from the two extremes represents, for al-Ḥazmī, a fundamental requirement for *daʿwa*. Finally, the last recommendation for *duʿāt* (plural for *dāʿī*) in Europe revolves around the concept of morality. Although it represents a founding principle of the Islamic religion, it cannot become a prison for European Muslims. Those who invite to Islam have the task of encouraging moral responsibility in Muslims as a minority, particularly when exposed to historical contingencies. However, the moral imperative must be sought by believers as a realization of the divine Message and not interpreted as an imposition caused by the fact of being constantly under the magnifying glass (AL-ḤAZMĪ 2016: 206).

The principle of conveying the message also regulates the relationship between Muslims and non-Muslims, questioning the classical categories such as the complex, multifaceted concept of *jihād*. In an essay from 2005, Jamāl Badawī claimed that the world has become extremely interconnected. This makes constructive dialogue an imperative. He stresses that the religious sphere is also involved in this process. Intra- and inter-religious relations must necessarily be inspired by the search for dialogue. Beginning with this reflection, Badawī's aim is to clarify the issue of relations between Muslims and non-Muslims, given the many "false arguments" surrounding this issue, which have become widespread since 9/11. Among the principles of this relationship, he includes the invitation to religion, asserting that the one who is called has the full right to accept or refuse. This is consistent with the guidance of the Qurʾān, which excludes the possibility of coercion (*ikrāh*) from the permissible methods to spread the Message of Islam (*tablīgh risālat al-islām*). Furthermore, he makes it clear that those who invite to Islam have no responsibility for the outcome of their actions, that is, the actual adherence to the religion. To prove his point, Badawī quotes verse 48 of the *sūra* "al-Shūrā". This verse refers to the status of the Prophet as an admonisher who is not responsible

30 The idea of civic engagement in the European context—in the sense of participation, awareness and consciousness—is not a new one among Muslim scholars active in Europe. Tariq Ramadan and his theorisation of being a European Muslim in terms of religious and political engagement is one of the most prominent examples (MARCH 2007).

before God for the non-conversion and continued infidelity of others. The relationship between Muslims and non-Muslims, according to his interpretation, must be characterised by a universal, peaceful coexistence based on the two concepts of piety (*birr*) and righteousness (*qist*). He states that this idea of coexistence is functional for the spread of religion, echoing the words of Fayṣal Mawlawī: How can you invite someone to Islam if you have feelings of enmity or hatred for that person? Or again, if you are planning to wage war against him? Can one ever, in such a state, address an invitation with wisdom, good admonition and in the best way?³¹ (BADAWĪ 2005: 37-46)

The same reasoning was used in the ECFR resolution on the possibility of wishing non-Muslims on non-Islamic holidays such as Christmas and Easter. In this case, the Council stated that it is permissible to wish non-Muslims happy holidays, especially in Western countries, in consideration of civic, family and friendship ties. The members of the Council encourage respect and kindness towards the non-Muslim majority in the light of this benevolent sentiment (the aforementioned *birr*). However, they make it clear that extending good wishes to non-Muslims does not imply any kind of approval (*iqrār*) or appreciation (lit. *riḍā*, satisfaction) of their religion. Rather, it expresses a sense of courtesy. Furthermore, there is a reiteration that good relations (*bi-ḥusn al-tawāṣul*) with non-Muslims are necessary in order to invite them to Islam: “This [being kind to all without distinction] is even more confirmed if we want to make *daʿwa* towards them, bring them closer to Islam and make them benevolent towards Muslims. This is our duty (*wājib ʿalaynā*). It cannot be achieved through mutual rudeness, but through good relations”.³²

Conclusions

The ECFR’s interpretation of Islamic *daʿwa* is devoted to the *umma* itself and to the possibility of spreading the religious message to non-Muslims. Far from being primarily concerned with coming to Europe and actively campaigning for the conversion of European people, Council members are deeply involved in caring for Muslim communities and their religious needs and guidance. Shaping a peaceful and positive religious message is the primary need for ECFR members, as evidenced by their efforts to correct any mistakes and redirect religious speech away from any extremism. Scholarly literature has focused heavily on the concept of *dār al-daʿwa* (territory of invitation), which refers to the act of spreading Islam among non-Muslims in Europe. However, the conversion of non-Muslims to Islam is one of the aims of the ECFR, but not the only one. Or rather, the possibility of converting non-Muslims in Europe through active *daʿwa* was the issue raised during the development of the minority law to legitimise Muslims living in non-Muslim majority countries. The presence of Muslims in Europe was considered not only permissible but necessary for many reasons, including the spread of Islam outside Muslim-majority countries. But the context has changed since then. Islamic *daʿwa* towards non-Muslims is as important as the call for Muslims to

31 Badawī cites Mawlawī’s 1999 text, *al-Mafāhīm al-asāsiyya li-l-daʿwa al-islāmiyya fī bilād al-gharb* (MAWLAWĪ 2006).

32 Resolution 3/6 *Tahniʿat ḡayr al-muslimīn bi-aʿyādihim*, available at <https://tinyurl.com/w38mjdah>, last retrieved on September 29, 2023.

safeguard their religion, to improve the way they convey the message, to change their attitude towards the challenges of a globalised world and to reconsider their relationship with non-Muslims.

Analysing ECFR fatwas, essays and general production gives the opportunity to comprehend the dynamics within contemporary Islamic jurisprudence in a minority context. The conclusions reached here are not meant to depict the way lay Muslims conduct Islamic *da'wa*, but how the concept is interpreted and presented to them by Muslim scholars. This may affect the way Muslims convey the religious message in their daily lives. However, proving that is not among the objectives of this article. Neither is it possible to reach conclusions on that by analysing the juridical production of the ECFR. The aim here was to analyze how Muslim scholars adapt their interpretation of Islamic *da'wa* and how this process changes the role they are depicting for Muslims in European societies. Prioritising the invitation to Islam over other goals led scholars to derogate from more traditional Islamic rules, way beyond the permissibility for Muslims to reside in non-Muslim majority countries. Even though flexibility has been a stable characteristic of Islamic law over the centuries, the interpretation of Muslim muftis in Europe shows a large use of derogation. This tendency, along with devoting *da'wa* firstly to the *umma* itself, shows that the jurisprudence for Muslim minorities today is deeply interconnected with the context, where European Muslims struggle to find a balance between accommodating secular rules and claiming religious rights as a community.

Studying religious texts in their context is key to achieving a deeper comprehension of modern Islam. Applied to this case of study, it implies reading the way *da'wa* is presented and used as a principle in the context of global Islam. As noted, “the increasing use of normativity is both a phenomenon of globalization as well as a reaction to it” (MALIK 2018: 208). In the present case, the Islamic call has undergone a process of normativity which has increased in the last century due to many factors, including globalisation. Muslim scholars at ECFR are contributing to this process of normativity or juridification of Islamic *da'wa*, even though talking about a jurisprudence of *da'wa* (*fiqh al-da'wa*) is still controversial (CASCINO 2022). Indeed, ECFR muftis and shaykhs are aware of the interconnectedness of the world and how it changes the way religions are lived. In a world where transport and communication technologies enable religious institutions and actors to reach global audiences more easily and faster than before, focusing on the Islamic call means enjoying the opportunities of globalisation, namely the possibility to take advantage of tools made available by the global context. However, framing the ECFR’s interpretation of Islamic *da'wa* within the global Islam does not mean that the Council’s stance is shared by the majority of the Muslim population all over the world. Instead, it is produced by small, active minorities, such as Muslim scholars in Europe, and is spread globally thanks to the networks and resources made available by globalisation.

As for the reach of the ECFR’s discourse on Islamic *da'wa*, we argue that it is both local and global: it is local in terms of content, because it aims to address European Muslims by referring to their context and daily challenges; at the same time, it seeks to go global, to transcend regional boundaries and promote a global Islamic discourse that could engage Muslims around the world. Analysing modern Islamic *da'wa* towards Muslims and non-Muslims

means critically reviewing the opposition between core and periphery within Islam.³³ Indeed, there are influential international centres that certainly lead the global Muslim community by providing Islamic learning to students from around the world, namely al-Azhar University (Egypt), the Islamic University in Medina (Saudi Arabia), or al-Mustafa International University (Iran). However, the outcome of these learning efforts is not always as expected, as the point of intersection between the global and the local leads to significantly different outcomes. First, the global Islamic discourse taught in the international centres has to negotiate with the local context. Second, the global Islamic discourse itself is shaped by the interconnectedness of people, thoughts and beliefs, and cannot be considered unidirectional, i.e. from the core to the periphery. Indeed, “the absence of long-established Muslim populations in Western Europe (and North America) meant that global Islamic organisations faced far less competition from existing Islamic religious establishments than they did in their original homelands” (GREEN 2020: 131). The relationship between the core and the periphery of Islam is thus an everyday negotiation.

In general terms, the aim of this article was to show how *da‘wa* represents the regulating principle of jurisprudence produced by the Council in the process of adapting religious rules to the European context. Clearly, the principle of *da‘wa* is highly complex and should not be simplified as mere proselytising. As a matter of fact, it is much more than that.

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- Resolution 3/6 *Tahni‘at ghayr al-muslimīn bi-a‘yādihim*.
- Resolution 3/8 *Islām al-mar‘a wa-baqā‘ zawjihā ‘alā dīnihi*.
- Resolution 5/18 *Iqnā‘ al-umma bi-taḥrīm «kitābat al-Qur‘ān bi-l-ḥurūf al-lātīniyya»*.
- Resolution 2/4 *Ḥukm shirā‘ al-manāzil bi-qarḍ bankī ribawī li-l-muslimīn fī ūrūbā*.

ECFR Fatwa 1/12 *Khuṭbat al-jum‘a bi-ghayr al-luḡha al-‘arabiyya*.

33 This refers to a core of Islam, which for centuries has been the Arab ‘centre’ in terms of religious authority, and the rest of the Muslim world, the ‘periphery’, including the Asian countries where most Muslims live. Whether or not Europe and other countries where Muslim minorities live should be considered as the core or the periphery today is a prominent question (BANO, ed. 2018; FORMICHI 2020: 237-263).

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Danger of Drowning? Islam, Integration, and Power in German Pools*

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Abstract

The integration of Muslims has been a core issue within German socio-political debates for over 20 years. The participation of Muslim pupils in certain school subjects, most prominently in school swimming lessons, has been a core issue within those larger debates. This article demonstrates that Germans, including Muslims in Germany, dispute not merely the participation of members of a religious minority in one of dozens of school activities. Rather, all parties involved negotiate recognition, share, and power within society at large. Muslims seek to take part in determining the character of a society they have been making a home since the 1960s. Inspired—among other factors—by Global Islam movements, they challenge notions of ethnic hegemony, the public visibility of different religions, and interpretations of liberalism, including aspects of gender equality. The article illustrates how the encroaching integration of Muslims in Germany led to the demand for respect for religio-cultural difference by a minority among them; and how the struggle by Muslims to become equal members of society created resistance among those in Germany who seek to protect their inherited share of influence. The development is also illustrated by court decisions about the degree of religious difference accepted in schools. As agents of change, Muslims have forced non-Muslim Germans to answer some uneasy questions about what they want society to be like.

Key words: Islam in Germany, Islam Debate, Migration and Integration, Islam and Education, Islam and Swimming, Muslim Minorities in the West, Global Islam

Introduction

In recent years, authors of social scientific and philosophical studies as well as popular bestsellers wondered why the encroaching integration of migrants in Germany was not accompanied by a reduction of social conflicts. El-Mafaalani, for example, argued that in the

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“superdiverse” German society, an increasing variety of previously excluded groups “sit at the table” and claim “their share of the cake” (EL-MAFAALANI 2019: 431-432; EL-MAFAALANI 2021: 119-140).¹

The increasing socio-economic capital of migrants—as well as of other societal minorities—offers migrants and members of other minorities a share in the shaping of a society previously dominated by ethnic German men, socialized at least in part according to Christian norms. The increasing plurality of groups that demand fair recognition, representation, space, and ultimately power also increased the complexity of debates over the identity of society.

The ongoing debate about the space for Islam in the German public sphere illustrates this struggle like few other issues.² Within that larger debate, few issues attract as much attention as contestations of certain school activities by a small minority of Muslim pupils (three percent by generous estimates: HAUG, MÜSSIG & STICHS 2009: 184-188). Those primarily include swimming lessons, but also sex education, lessons treating evolution theory, as well as arts, music, and dance lessons (SPENGLER 2017: 365-374; TABATABAIE 2015: 280; KARAKAŞOĞLU 2020: 83-85).

When large-scale Muslim migration to Germany began in 1961, few migrants and few Germans pondered notions of integration. Both sides expected migration to be a temporary phenomenon. Over the course of some sixty years, the population of migrants from Muslim countries in Germany reached around 4.5 million, or 5.6 percent of the population (STICHS 2016: 5).³ Migration movements led to diversification and changes in the socio-political,

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- 1 See also Max Czollek, a Jewish-German poet, who, in his non-fiction works addresses the struggle over social hegemony between ethnic Germans and various ethnic, religious, cultural, sexual, and other minorities. In his latest work Czollek illustrates how, at the beginning of the Corona pandemic, the government promoted a high level of social cohesion and solidarity. It passed and executed preventive measures within days. Czollek criticizes that the same government fails to promote social cohesion and to protect minority groups from right wing violence and argues that this is based on racist concepts of social hegemony against increasingly visible diversity. CZOLLEK 2023: 9-23.
 - 2 During the process of reviewing this manuscript, a further controversy from this same realm made headlines in Germany: some teachers, social workers, and researchers criticized that following Hamas’ terror attack on Israeli civilians and Israel’s military response to it in Gaza, a growing number of Muslims publicly expressed “Islamist and Antisemitic statements.” See, e.g.: ONKEN 2023; KÖNIG 2023; WDR 2023.
 - 3 Statistics including the number of Muslims in Germany are typically based on estimates. The state does not register the number of Muslims in Germany officially. Stichs, in collaboration with other researchers, presented several such estimates (e.g. in HAUG, MÜSSIG & STICHS 2009 and STICHS 2016). The methodology was as follows: The researchers counted the number of people with a migration history from Muslim countries in Germany. Then, they compared those figures to the percentage of Muslims within that population. In previous studies, the estimate had been based on counting the number of migrants from Muslim countries. Those were seen as equal to the number of Muslims. Stichs et al. emphasize the crucial point of surveying the actual percentage of Muslims among migrants from Muslim countries. Some do not affiliate with Islam or at least not anymore. The researchers explain that this can apply to 50 or more percent of migrants, even from countries with an almost absolute Muslim majority such as Iran. This method for estimating Muslims in Germany still cannot account for converts without migration background or Muslim migrants from majority non-Muslim countries. However, the researchers assert, that this likely does not impact significantly statistics (see: STICHS 2016: 10-11).

religious, and cultural attitudes of Muslims in Germany. German society—including its Muslim members—saw changing attitudes toward migration and integration, gender equality, and the role of religion in the public sphere. It witnessed social conflict caused by the Reunification, racist violence, and terrorism.

This article presents the results of an analysis of German public discourse about the participation of Muslim pupils in school swimming lessons. The sources analyzed were three leading newspapers and magazines with different readerships, covering a spectrum of political orientations, *Frankfurter Allgemeine Zeitung (FAZ)*, *Bild*, and *Der Spiegel*, protocols of Germany's federal parliament, the *Bundestag*, the feminist magazine *EMMA*, the publications of Christian and Muslim religious organizations, including press releases by Muslim organizations and the Muslim newspaper *Islamische Zeitung*, the teacher magazine *Erziehung & Wissenschaft (E&W)*, and bestselling non-fiction books on Islam, integration, and contemporary politics.

A special source contributing to the discourse were court decisions regarding exemptions of Muslim pupils from swimming lessons. Those contained comments by legal experts in the form of decisions that carried legal weight that created precedents, potentially impacting the lives of dozens of thousands of school children.

The time period analyzed began in 1961 with the initiation of large-scale migration from Muslim countries to Germany and ended at the federal elections in 2017, which marked the first time the party *Alternative für Deutschland* entered the federal parliament in a campaign heavily banking on anti-Islam and anti-migration rhetoric.

Overall, some 833 comments were read in a qualitative-comparative way. In the tradition of Foucauldian discourse analysis, the goal was to read the comments with an eye on how they reflected power relations in society and how they were made in order to safeguard existing power relations or shift them (ALLEN 2009: 7-8; SAM 2019: 339; GRAHAM 2011: 665-666; FOUCAULT 1971: 6; FOUCAULT 1975: 32).

In debating the participation of Muslim pupils in swimming lessons, Germany's hegemonic majority negotiated power relations with one of the country's largest and most visible minority groups. The results illustrate a power struggle between various factions in German society, among them ethnic Germans harboring a spectrum of socio-political attitudes, Muslim migrants, and multiculturalists.

The first section of the article provides introductions to the development of Muslim migration to Germany, the particulars of swimming in German schools, and Islamic religious and cultural approaches to swimming. Thereafter, it discusses the results of the discourse analysis, depicting its main developments and highlighting shifts in the power struggle.

Muslim Migration to Germany

On October 30, 1961, the governments of West-Germany⁴ and Turkey signed an agreement on the recruitment of guest workers (*Gastarbeiter*) for Germany's booming economy. This

4 For the time between 1949 and 1990, when there were two German states, the focus of this study is on West-Germany, where almost all migrants from Muslim countries arrived. Still today, the share of Muslims in the former East is on average lower than in the former West.

initiated large-scale migration from Muslim countries to Germany. Similar agreements were later signed with Morocco and Tunisia, as well as with Yugoslavia, though it is not clear how many of the migrants from the latter belonged to the country's Muslim minority. As the name guest worker suggests, migration was supposed to be a temporary phenomenon, tied to the fluctuating need for migrant workers. However, different legal and administrative steps undertaken since 1961 laid the infrastructural groundwork for the developments highlighted in this article.

According to the initial agreements, guest workers were to be replaced every two years to prevent them from making Germany their home. Yet, in 1964, the German government abolished such rotation because it was impractical. This motivated some migrants to prolong their stay (HUNN 2005: 71-72). In 1973, the government declared a recruitment ban for new labor migrants. Those already in Germany, however, stayed, knowing they could not come back if they left. Almost simultaneously, the government facilitated family reunification for migrant workers in line with provisions from the European Social Charter. The consequence was that those who had not already done so invited their spouses and children to Germany (BADE 2002: 320-321).

The population of migrants from Muslim countries in Germany grew steadily. From less than 50,000 in 1961 (ABDULLAH 1981: 70-71) to 1.08 million Turks, 25,000 Moroccans, 17,000 Tunisians, and a few thousand from other Muslim countries in 1975. There were also 678,000 Yugoslavians, among them an unknown number of Muslims (STATISTISCHES BUNDESAMT 1983: 16-17). In the 1980s and 1990s, the population of migrants from Muslim countries in Germany grew and diversified further, based on the arrival of refugees from various international crises, such as in Lebanon, Afghanistan, or Iran (LEMMEN 2001: 35). By 1996, there were 2.05 million Turks, 111,000 Iranians, 83,000 Moroccans, 63,000 Afghans, and 56,000 Lebanese in Germany. Moreover, there were 340,000 migrants from Bosnia and Herzegovina, at least some of whom were Muslims (STATISTISCHES BUNDESAMT 1997: 12).

In 2000, a new citizenship regime came into effect, extending the right to German nationality to millions of migrants, some of whom had been living in Germany under precarious conditions since 1961 (HERBERT 2003: 333). This step further solidified the permanent presence of migrants from Muslim countries in Germany. Some of them were no longer, for example, Turks but Germans of Turkish origin. This caused a moderate shift in power relations in German society, as migrants could now vote—and be voted for. They became a more relevant group in the eyes of political parties and could more easily introduce political demands. The reform opened migrants a path to positions reserved for citizens, for example as judges.

The diversification of the Muslim population continued due to the arrival of more foreign workers, family members, and people fleeing wars and other crises. By 2017, there were 2.5 million people with a Turkish, 381,000 people with a Bosnian, 217,000 people with a Moroccan, and a combined 182,000 people with an Egyptian, Algerian, Libyan, or Tunisian background (and either German or foreign citizenship). Migration statistics further pointed to 690,000 Syrian, 237,000 Iraqi, 131,000 Afghani, 103,000 Iranian, 52,000 Pakistani, and 42,000 Lebanese citizens (STATISTISCHES BUNDESAMT 2018: 62).

Swimming Lessons in German Schools

Some contemporary voices in the German public discourse call swimming lessons a pillar of gender equality, pointing to gender mixing in pools and on beaches, as well as to competitive sports culture (ATEŞ 2007: 247; SCHWARZER 2010: 22; BÖHMER 2010). This picture does neither the historical development of swimming lessons nor contemporary non-religiously grounded challenges to it justice: lessons have been facing opposition from significant parts of society for centuries. This had social, political, and economic reasons.

In 1793, education philosopher Johann GutsMuths (1759–1839) published a treatise on physical education in schools. He emphasized that “there are a lot of splendid exercises which aim at increasing the body’s muscle power; but the entire gymnastics course does not offer a single exercise that would do it in the same way as swimming” (GUTSMUTHS 1804: 440). In spite of those recommendations, swimming lessons were initially limited to schools for boys from the nobility (KÖNIG 1999: 52) and still by the end of the 19th century, few schools taught them (PÄDAGOGISCHE REFORM 1899: 226).

When swimming became a more popular pastime around the turn of the 20th century, modesty debates about gender mixing and dress codes emerged (KÖNIG 1999: 50; TIMM 2000: 55-56; OLOEW 2019: 41-42, 92). Swimming lessons for girls remained rare, facing moral objections from religious milieus (FRICKE 1906: 214-219; MUTZ 2015: 113).

Following Germany’s defeat in World War I and subsequent social and political revolutions, Germans increasingly turned to swimming in nature, sometimes in gender-mixed groups, and occasionally naked (TIMM 2000: 69-73; CLENDENING 2019: 21-23). Teachers advocated for providing swimming lessons also to girls (CLENDENING 2019: 24, 27, 31; GRUND 1920: 312). Again, the churches protested. In 1925, Catholic German bishops published a declaration denouncing gender-mixed swimming and demanding that girls and women not swim in public (DIE DEUTSCHEN BISCHÖFE 1925: 1-2). In 1926, a Protestant pastor in Göttingen condemned the city’s new family pool, claiming that men and women swimming together contradicted the female nature and that the pool would attract “prostitutes and indecent people” (Cited in IMHOOF 2009: 381).

When the Nazis came to power in 1933, they turned swimming into a people’s sport (*Volkssport*)—for a narrowly defined people. Swimming lessons became mandatory in schools and Nazi youth organizations hosted gender-mixed swimming events (NAUL et al. 2020: 110). They sought to strengthen Aryan bodies to serve the *Führer*, teaching willpower, confidence, bravery, and self-sacrifice (MASSAU 1939: 253-254).

Heinrich Himmler, head of SS and police, rejoiced that “our healthy and self-confident worldview is a deadly enemy of any kind of prudery. We have succeeded in making a sporting nation out of a population of bespectacled stay-at-homes. We have replaced pasty-faced ‘gushing’ girls with bronzed and sport-steeled maidens. In just a few years we have improved the moral concepts of the people to such an extent that there is now hardly anyone left who longs for the days of single-sex swimming pools” (cited in CLENDENING 2019: 113).

Following Germany’s defeat in World War II, swimming lessons were scrapped from school curricula in an effort to rid the education system of Nazi policies (GEBMANN 2008: 66; HARDMAN & NAUL 2002: 37). Anyway, most pools were destroyed and thousands of teachers killed in the war (SCHÄFER 1949: 11).

Swimming regained popularity in the 1950s and especially from the 1970s onward. The booming economy provided funds for the building of new pools that allowed schools to teach swimming again, sometimes in gender-mixed cohorts (HARDMAN & NAUL 2002: 37-38; OLOEW 2019: 212-214). This (re-)initiated co-education debates that continue to this day. It is difficult to describe more than a general trend with regard to gender mixing and segregation as there are differences between the 16 federal states and in each of them between different schools.⁵ North Rhine-Westphalia, Hamburg, Berlin, and Bremen tend to teach swimming in mixed cohorts. Bavaria and Baden-Württemberg maintain separation at least for some age groups (ALFERMANN 1992: 327; GEBMANN 2008: 38, 57, 82, 91, 111, 115, 470; WOLTERS 2008: 98).

Contemporary co-education debates focus on didactic concerns rather than modesty. Those arguing against co-education are today a minority. They are of various backgrounds but notably also include teachers and educationalists. They point to a) a limited comparability of achievements due to different motor skills, strength, and size; b) different psychological concerns, interests, and motivations; c) problems of interaction between girls and boys, especially during puberty; d) the enshrining of gender hierarchies because girls are discriminated and cannot develop their interests and their confidence; and e) the threat of sexual transgressions between pupils as well as between teachers and pupils (ALFERMANN 1992: 324-325, 327-328; FAULSTICH-WIELAND & HORSTKEMPER 1995: 11-14; MUTZ & BURRMANN 2014: 172-173).

Those arguing for co-education, who are a majority also among teachers and educationalists, point to a) swimming lessons preparing pupils for life in a gender-mixed society; b) biological differences being but one aspect to consider in teaching and boys not necessarily being stronger and faster than girls; and c) lessons also being about fun and social interactions (ALFERMANN 1992: 328).

Apart from concerns over co-education, swimming lessons face objections because they are one of the most expensive subjects. Schools need to drive pupils to suitable pools and pay entry. Thus, when school authorities have to save money, swimming lessons are among the first subjects to face budget cuts (NAUL & HARDMAN 2002: 80-81, BORCHERT, DREWICKE & SIEGEL 2017: 43; KRÜGER 2011: 83-85). This conflicts with abovementioned comments placing a central pedagogical role on (gym and) swimming lessons.

News reports regularly warn that significant numbers of people in Germany do not know how to swim. For example, the German Life Saving Association (DLRG), the main body of volunteers providing rescue services throughout Germany, laments that too many children do not know how to swim by the time they graduate from elementary to high school (see, e.g., after HOLZHAUSE 2023).

5 In the German federal system, the constituent states (*Länder*) have almost total authority over the education system. Differences are minor because the states cooperate through a joined permanent conference of education ministers (*Kultusministerkonferenz*). The vast majority (some 90 percent) of schools in Germany is state-administered. Even private schools have to teach the state curriculum, meaning that they must teach swimming, though they have some discretion as to the exact circumstances and conditions. In countries where private schools have more discretion over the curriculum, those cater to the ideological expectations of different communities, for example by avoiding sensitive subjects.

Islam and Swimming

Some contemporary polemics suggest that Islam (or alternatively ‘the Qurān’ or ‘the *sharī‘a*’) does not allow swimming—at least not in gender-mixed environments (PFLÜGER-SCHERB 2015; RATH 2013; ISLAMWEB 2009). This neglects both *sharī‘a* nuances and the diverse practices of religious and secular Muslims towards sports in general and swimming in particular.

There is a consensus among Islamic scholars (*‘ulamā’*) and legal advisers (*muftis*) that the *sharī‘a* allows practicing sports as a means to strengthen body and mind. Some also point to the benefit of relaxation (SHALABY 1954: 173-174). Numerous *ḥadīths* tell stories about the Prophet Muḥammad either encouraging sports or practicing them himself (AL-QARADAWI 1997: 257-259; SAQR 1997). Some point to swimming as a permitted sport. According to a popularly cited *ḥadīth*, the Prophet advised to “teach your children archery, horseback riding, and swimming” (see, e.g. MOTALA 2016; ISLAMONLINE 2022). Not all scholars and legal advisers consider this tradition to be authentic, but there are other, allegedly more authentic, ones (MOTALA 2016; ISLAM Q&A 2018; AL-SHAIBANI 2012: 192).

Some also point to *sharī‘a* modesty requirements that set boundaries to swimming. Q. 24:30-31 commands Muslim men to “guard their private parts”, and women to “guard their private parts, and reveal not their adornment save such as is outward; and [to] let them cast their veils over their bosoms” except in the company of close (male) relatives (ARBERRY 1955/1996: Vol. 2, 49-50). Additional Quranic *sūrah*s, such as Q. 33:59, also order Muslims to dress modestly (ARBERRY 1955/1996: Vol. 2, 128).

The *sharī‘a* prohibits the revealing of private parts, in Arabic *‘awra*, in order to prevent *fitna* (in this context sexual temptation). *Fitna* could otherwise lead to extramarital sexual relations and uncertain lineage—one of the primary objectives emphasized in the *sharī‘a*—and thus the breakdown of society. In order to avoid *fitna*, *‘ulamā’* and *muftis* explain, strange women and men should not be in sexually charged environments, such as pools, together. Furthermore, wherever strange men and women meet, men must cover the area between navel and knee. Women must cover their entire bodies except for face, hands, and feet (AL-QARADAWI 1997: 155-6). Some scholars and legal advisers require women to also cover their faces (ISLAMWEB 2022). Modesty codes apply also in gender-segregated environments, where men and women each have to cover the area between navel and knee. This serves to avoid same-gender sexual temptation (SHAVIT & WINTER 2011: 272-273).

Based on those religious concerns, contemporary *‘ulamā’* and *muftis* agree that swimming in mixed-gender pools is prohibited for Muslims. Even swimming in segregated pools in non-Muslims countries hardly conforms with *sharī‘a* modesty codes. A plethora of *fatwās* from a diverse array of Muslim scholars highlight limits to swimming—in particular for women and also in segregated environments where non-Muslims are present.⁶

6 See for example: Majmū‘at fatāwā al-sharī‘a, “Dawrat sibāha lil-ṭālibāt fī ajwā’ mastūra”, *Fatawa.com*, 2017; al-Majlis al-Islāmī lil-Iftā’, “Mā ḥukm mumārasat al-fatāt lil-riyāda fī l-qā‘a al-riyādiyya wa-mā dawābiṭ dhālik?” *Fatawah.net*, 2011; al-Majlis al-Islāmī lil-Iftā’, “Mā ḥukm dhahāb al-nisā’ ilā amākin al-sibāha”, *Fatawah.net*, 2013; Nureddin Yıldız, “Kadınlar plajında denize girmek caiz midir?” *Fetva-meclisi.com*, <https://fetvameclisi.com/fetva/kadinlar-plajinda-denize-girmek-caiz-midir>, 2015 (last ac-

Yet, religious commands are not in and of themselves a reliable indicator for Muslim individuals' swimming practices. Some Muslim countries provide swimming environments more liberal than *'ulamā'* and *muftis'* interpretations of *sharī* provisions. Among those countries are Turkey, Morocco, and Bosnia and Herzegovina, from which a majority of Muslims in Germany originate (KOCA 2009: 168; GUIBERT & ARAB 2016: 183; IBRAHIMBEGOVIC-GAFIC 2011: 227). In those countries, women and men have for decades been swimming in mixed spaces. Some schools offer swimming lessons, even if not all girls have access to them (IBRAHIMBEGOVIC-GAFIC 2011: 227; HACISOFTAOĞLU & PFISTER 2012: 390-393).

Sfeir noted that lower participation rates of women are not only caused by religious provisions. Muslim societies effectively controlled women's participation in all aspects of life, but those restrictions, she cautioned, were based on custom rather than religion (SFEIR 1985: 295-296).

Walseth & Fasting interviewed Egyptian women about their sporting practice. Some women followed religiously grounded modesty codes, others not at all. Some religiously conservative women practiced sports in front of men, arguing that the *sharī'a* encouraged sports. Other, less religious women complained that the hurdles of patriarchy restricted their workouts (WALSETH & FASTING 2003: 53-56). Zaman interviewed Muslim girls in the UK about sports. One interviewee opposed gender mixing to avoid injury to *'awra*. Another claimed that women were not allowed to practice sports in public in order to protect them (ZAMAN 1997: 60-61). Kleindienst-Cachay found that a core reason for Muslim girls' underrepresentation in sports in Germany was their on average lower socio-economic status and education level (KLEINDIENST-CACHAY 2011: 96-97).

Debate: From Non-Issue to Muslim Demand to Legal and Societal Rejection

At the time Muslims began migrating to Germany in the early 1960s, swimming lessons proliferated, (re)gained popularity, and—at least in parts of Germany—were taught in a co-educational format. To some religiously conscious Muslim families, such lessons would have been incommensurate with Islamic modesty norms. To others, who did not care about religion, swimming lessons could have been strange for cultural reasons.

However, between 1961 and 1980, there were no public debates about Muslim pupils and swimming lessons in Germany: no article or opinion column appeared in *FAZ*, *Bild*, or *Der Spiegel*. *EMMA* and *Erziehung & Wissenschaft* did not address challenges to swimming lessons. No politician spoke about them in the *Bundestag*. No bestselling non-fiction book discussed them. Neither did religious publications. No court became the ultimate arbiter in a case in which Muslim families fought with school administrations over participation in

cessed July 2, 2023); 'Abdulaziz ibn 'Abdullah Al al-Sheikh, "Das Schwimmen für Frauen", *Islam-fatwa.de*, <https://islamfatwa.de/soziale-angelegenheiten/161-gesellschaft-aktuelles/sonstiges-spezial-fuer-frauen/1500-das-schwimmen-fuer-frauen>, [n.d.] (last accessed July 2, 2023); Muḥammad Ibn al-'Uthaymīn, "Ḥukm dukhūl al-nisā' li-nawādī al-nisā'", *Islam Q&A*, 2000; Islamweb, "Women's taking off her [sic!] Hijab in a ladies only gym", *Islamweb*, <https://www.islamweb.net/en/fatwa/90940/womens-taking-off-her-hijab-in-a-ladies-only-gym>, 2005 (last accessed July 2, 2023).

swimming lessons. While this does not prove a total absence of conflicts about swimming lessons, it does prove that this was a non-issue in the public discourse.

This may seem surprising in view of the potential for conflict between Islamic religious and cultural norms and German swimming practices. Yet, the lack of public discourse about Muslim pupils in German pools reflects the contemporary socio-political climate. The period between the early 1960s to the late 1970s was marked by an absence of migrants—not only Muslim ones—from the German public sphere in general and from public schools in particular. Migrants were not recognized as members of society by its majority; they were not citizens and thus unable to vote and shape the character of society beyond some local initiatives; and their daily lives were centered around their workplaces with little contact to Germans beyond those (YURDAKUL 2009: 28-30; HERBERT 2003: 214-15).

Despite the arrival and sojourn of millions of guest workers, there was a broad consensus in German politics about their eventual return. Politicians lacked basic concepts of integration, such as providing language lessons; parts of society, with the exception of some church and labor organizations, were not interested in the lives of guest workers (ABDULLAH 1981: 75-76; HERBERT 2003: 222).

The state did not enforce the—by law mandatory—schooling of migrant children. *Der Spiegel* reported in 1973 that an estimated 400,000 migrant children did not attend school or kindergarten and instead played “in backyard corners amidst rotting furniture” (DER SPIEGEL 1973: 26, 33). Other sources place the number of migrant children who did not attend school lower, yet still within the hundreds of thousands (see, e.g., KEIM 1974: 172). An unknown number of migrant children did attend school but those typically sat in preparatory classes with a limited curriculum and no swimming lessons (HELBIG & NICOLAI 2015: 126).

Lack of influence and political clout would of course not have prevented migrants from addressing courts to fight—perceived or actual—infringements on their rights. Yet, most migrants did not ponder integration either as they, too, were convinced of an eventual return to their home countries. Siu’s concept of the sojourner illustrates the mindset of migrants who believe their stay in a receiving society is temporary, long after it has, in fact, turned permanent. Sojourners migrate for all kinds of purposes, including, as was the case with guest workers in Germany, economic adventure. They seek to work for a short period of time and return home with enough money to raise the socio-economic status of the extended family. If the objective is not fulfilled, they find themselves in the odd position of remaining physically in a receiving society while still mentally regarding their presence there as temporary.

This being the case, sojourners focus on achieving the purpose of their sojourn without getting distracted by things that have nothing to do with that purpose. Rather than seeking to learn German and becoming part of the German social fabric—if that had been possible—they spent their free time with other migrants. Siu wrote that a sojourner “clings to the culture of his own ethnic group [...]. Psychologically, he is unwilling to organize himself as a permanent resident in the country of his sojourn” (SIU 1952: 34).

The first Turkish migrants opened small ethnic cafés which could also serve for places of religious or cultural gatherings. Demir and Sönmez, two early guest workers, recalled how train stations became their first gathering places because they hoped to see familiar faces among the arriving and departing crowds (DEMIR & SÖNMEZ 2015: 14).

A second reason for the absence of a debate about the accommodation of Islamic norms in German schools was that religion only played a subsidiary role for first-generation Turkish migrants. Some of them were secular Kemalists, others were at least shaped by the secularism that dominated their home country with regards to expectations about the role of religion in the state (HEIMBACH 2001: 67). Schiffauer claimed that “[t]his generation of workers [...] was not very religiously inclined” (SCHIFFAUER 1997: 158).

Also migrants from other nominally Muslim countries such as Egypt and Tunisia grew up and migrated to Germany at the height of their countries’ period of secular nationalism. Likely, few among them, including religiously inclined ones, would have expected the German state to accommodate religious demands (AZAK 2010: 63-64).

There were some Turkish families who did care deeply about religious or cultural norms and who objected to German school practices. Those, however, would have had the option of keeping their children out of school as the German administration did not register all migrant children, especially among those under 16 years of age, and could therefore not enforce schooling among them (KEIM 1974: 173, 180). The families did not—yet—possess the linguistic and professional skills to challenge the state on a deeper level.

Contestations without Reactions

In the early 1980s, Muslim families began contesting the participation of their children in swimming lessons. Evidence for this comes from teachers interviewed for this study,⁷ academic articles from the realm of pedagogy, references to desired and actual exemptions in primary sources analyzed for this study, and emerging court cases about desired exemptions.

For example, Erhard Dauber, who taught swimming in secondary schools in Dortmund and Witten from 1967 to 2007, remembered that around the year 1980, some Turkish girls refused to participate in swimming lessons (DAUBER 2021). Another teacher wrote in a 1982 article for a pedagogic journal that “every teacher reading these lines knows that Turkish girls do not participate in swimming lessons” (KNÖRZER 1982: 24).

Within the newspapers and magazines analyzed for this study, between 1980 and 1996, one *FAZ* article referred to an exemption from swimming lessons (and two to exemptions from gym lessons, which likely included swimming). One article about an exemption from swimming lessons (and two about exemptions from gym lessons) appeared in *Der Spiegel*. Two *EMMA* articles addressed exemptions from swimming lessons (and four addressed exemptions from gym lessons). In addition, one non-fiction bestseller dealing with Islam referenced exemptions from gym and swimming lessons.⁸

In 1986, a court in Berlin was, for the first time, tasked with deciding on a case in which a Muslim family fought with the local school administration over the participation of their daughter in swimming lessons. Until 1996, two more cases followed, producing a total of six

⁷ A total of seven teachers and one social worker were interviewed.

⁸ Lückenmeier, Peter. January 23, 1984. “Mihm: Schulprobleme mit Ausländern nehmen ab.” *Frankfurter Allgemeine Zeitung*: 25; *Der Spiegel*. October 29, 1990. “Knüppel im Kreuz, Kind im Bauch.” *Der Spiegel*: 98-114; Ott, Ursula. July 1993. “Mitten unter uns.” *EMMA*: 40-44; *EMMA*. November 1993. “Zu tolerant.” *EMMA*: 12; Konzelmann, Gerhard. 1980. *Die islamische Herausforderung*. Hamburg: Hoffmann und Campe: 378-379.

court decisions on continuous levels of jurisprudence, up to Germany's highest court in cases of administrative law, the Federal Administrative Court. The three cases were about exemptions for girls.

The appearance of (demand for) exemptions from swimming lessons was one of the early challenges by migrants in the power struggle to (re)define the character of German society. After almost twenty years of not "sitting at the table" despite being in the room, the first Muslim migrants openly claimed respect for their religio-cultural identities in Germany in a way that challenged how things were done by the majority.

Two main developments encouraged this shift. First, migrants became recognized as part of the German social fabric. The federal government admitted to a need to integrate migrants, at least temporarily. In 1978, chancellor Helmut Schmidt (1918–2015, Social Democrats) created the Federal Integration Department and named Heinz Kühn (1912–1992, Social Democrats) its first head. In 1979, Kühn wrote a memorandum in which he promoted integration measures, among them accepting migrant pupils into the regular education system (KÜHN 1979). Henceforth, the state enforced the schooling of migrant pupils and integrated them into regular classes with the full curriculum—including swimming lessons.

Second, as the sojourn of some migrants dragged on and as more family members joined guest workers in Germany, some families developed the need to respect religious norms and practices. They founded religious organizations with the purpose of providing spiritual support and religious services. They were, in part, influenced by a resurgence of Islamic sentiments in Muslim countries, for example in Turkey and Iran, where populations were disappointed with secular leaderships and religious salvation movements grew.

Green calls this development Global Islam and defines it as "the multiple versions of Islam propagated across geographical, political, and ethnolinguistic boundaries by religious activists, organizations, and states in the age of modern globalization". It is further "[an] analytical category that describes the particular forms of Islam promoted by religious actors who have operated across borders by means of the communicational possibilities of modern globalization" (GREEN 2020: 6).

Green contrasts Global Islam with World Islam. Global Islam perceives World Islam as too focused on traditions and blurring the boundaries between religion and culture. Global Islam movements, instead, claim to promote pure Islam. Green recognizes that those Global Islam movements are by no means uniform, nor has any of them acquired a hegemonic status, though each claims unique authenticity (GREEN 2020: 6-11).

One such Global Islam movement that was particularly successful first in Turkey and then in Germany was Necmettin Erbakan's Millî Görüş (National Outlook). Already in 1972, Millî Görüş founded chapters in Germany, the first one in Brunswick. After initially being hostile to Muslim migration to non-Muslim lands, fearing the loss of religious identity, and encouraging a return to Turkey (MILLÎ GAZETE 1973a; MILLÎ GAZETE 1973b), Millî Görüş' ideology shifted in the 1980s toward encouraging a prolonged stay in the West, imagining a missionizing campaign, and emphasizing the need to protect religious values and lifestyles (SCHIFFAUER 2004: 361-363; MILLÎ GAZETE 1981). The shift also had logistical reasons: Germany was a safe and prosperous base for Millî Görüş from which to support the growth of the movement in Turkey in a struggle for political power there.

The two developments thus led to the following result: the children of more religiously inclined Muslim parents found themselves in schools where they were subject to swimming

lessons. Some parents objected to their children participating in those lessons and demanded from their local school administrations to exempt the children. It is not clear how many intra-school conflicts there were, as no records remain of this. This may be a sign of prevailing negotiated settlement and compromise.

What does remain are court records, showing that in at least three cases, Muslim families and school authorities were unable to negotiate a compromise. Courts then had to determine whether to exempt the children from a mandatory school subject or not. While the courts' decisions can be read as contributions to the public discourse (notable decisions make front-page news), they are more than mere statements. Court decisions have the power to set precedents and thus shape social practices for years and affect the lives of thousands of people.

In deliberating conflicts over desired exemptions from swimming lessons, courts had to solve a conflict about constitutional rights. Muslim families claimed an injury to two basic rights: the right to religious freedom from Art. 4 para. 1 & 2 of the Basic Law and the right to parental authority over education and upbringing from Art. 6 para. 2 sent. 1 of the Basic Law.

Religious freedom harbors a high constitutional value in Germany. Unless an injury to another right is incurred, religious rituals and practices such as obeying certain dress codes and modesty norms, both in private and in public, must be given space in society. Every individual has the right to live according to their religious beliefs. This applies decidedly also to foreign citizens and also to Muslims in Germany. The state is further obliged to make room for active religious practice (VON CAMPENHAUSEN & DE WALL 2006: 50-2, 71, 84; ANGER 2003: 35-112; ROHE 2001: 83-84). Parental authority allows parents to raise their children based on their beliefs. This includes insisting on religiously grounded practices like dress codes and prohibiting the participation in acts perceived to be immodest. Wherever a pupil's right to religious freedom may be harmed, the parental right may be harmed too (ANGER 2003: 35-112; GARTNER 2006: 177-180).

Courts contrast those two basic rights with the right of the state to administer the education system, rooted in Art. 7 para. 1 of the Basic Law. This right grants the state authority over the education of children, including by developing school curricula and deciding whether classes are taught co-educationally or not. In exercising its right, the state must take the interests of pupils and parents into account, even if it does not have to respect the individual beliefs of each pupil to the fullest extent (VON CAMPENHAUSEN & DE WALL 2006: 71; ANGER 2003: 112-124). Besides the teaching of knowledge, the state's authority encompasses a duty to integrate minorities and develop children's personalities within the limits set by constitutional law (SPENLEN 2010: 344).

The legal concept of finding a compromise between several contradicting constitutional rights is called, in German, *praktische Konkordanz*. It means that courts are urged to find a considerate (*schonend*) balance that allows all affected rights to have their greatest possible effect and provide the greatest possible protection from harm (HECKEL: 2001: 417-8).

The first three court cases deliberating the participation of Muslim girls in swimming lessons all ended with exemptions for the girls. Courts acknowledged but dismissed the warnings of school authorities that exemptions could harm the social and motoric development of pupils and that they questioned both school routines and gender equality (they made no mention of the fact that swimming lessons faced infrastructural problems, such as a lack of teachers and high costs, and moral objections also from non-Muslims). Courts argued that the essence of religious freedom left them no choice but to exempt the girls.

Participating in swimming lessons would totally void their religious freedom, here in the form of abiding by modesty norms, and leave no room for *praktische Konkordanz*.

Some of the courts cited below (e.g. OBERVERWALTUNGSGERICHT NIEDERSACHSEN 1991; OBERVERWALTUNGSGERICHT BREMEN 1992) asserted that the right to religious freedom was so valuable that it justified that Muslim girls did not receive a chance to emancipate according to what courts interpreted as “Western standards” and which meant for them greater freedom for women to freely determine their lives. Courts added that even people and groups they labelled religious fundamentalists had a right to religious freedom.

Courts were able to argue in such a way because there was no social opposition to exemptions, even if they were based on such grounds. A majority of politicians and other opinion leaders expected the eventual return of migrant children to their—or rather their parents’—home countries. Hence, it was not necessary to subject the children to the same educational standards as non-Muslim German children. Further, in the contemporary social climate, statements expressing empathy for interpretations of religious norms that held women to different standards than men as well as statements doubting the state’s duty to promote gender equality were not considered abnormal.⁹

In the first ever court case about the participation of a Muslim girl in swimming lessons, deliberated in Berlin in 1986, a father explained that he raised his daughter according to Hanafi Islam. For him, this meant that she was not allowed to expose her hair, arms, and legs in public and that she generally had to wear wide clothes. The girl stated that Allah would make her sick if she was forced to participate in swimming lessons.

The Local Court of Berlin-Tiergarten exempted the girl from swimming lessons because of an infringement on her right to religious freedom. Swimming was not a core part of the curriculum. If the school insisted on teaching it, lessons had to be organized in a way that respected the pupils’ basic rights. Exempting the girl did not question the idea of co-education because she participated in all other subjects and was not considered an outsider by her classmates (AMTSGERICHT BERLIN TIERGARTEN 1986).

In 1991, in a case involving a girl of Turkish origin in Cologne, the Higher Administrative Court of North Rhine-Westphalia declared that “even outsiders and sectarians have the right to freely develop their personality according to their subjective interpretation of faith,” and that the impact of a religious norm on society was irrelevant as long as it did not contradict constitutional values. The court denied that this harmed gender equality and argued that exemptions did not threaten social peace. The school should present the girl as an example to teach about diversity (OBERVERWALTUNGSGERICHT NORDRHEIN-WESTFALEN 1991).

In similar cases about exemptions from school activities other courts issued similar statements. The Higher Administrative Court of Lower Saxony deemed it irrelevant whether a family’s belief was “shared in the Islamic religion generally or only by the orthodox or Islamic fundamentalists,” and whether Islamic dress codes “unilaterally discriminate

⁹ See, for example, Hannelore Faulstich-Wieland, a feminist teacher and researcher on co-education, who declared in an interview that she saw no problem in letting Turkish girls emancipate according to the norms of their home culture, even if that meant that those girls did not get to participate in some school activities: TRAXLER, Inge. February 1992. “Enttäuschte Hoffnung Koedukation?” *Erziehung & Wissenschaft*: 22.

women”. Even outsiders and sectarians had a right to the “undisturbed development of their personality” (OBERVERWALTUNGSGERICHT NIEDERSACHSEN 1991).

The Higher Administrative Court of Bremen, in 1991, dismissed a school authority’s warning that exemptions challenged a range of school activities, such as school trips, sex education, singing and dancing, theater visits, cooking classes, and even sewing classes. It declared the social consequences of a belief irrelevant for its constitutional protection: “It is thus unimportant that adolescent Muslim women are hindered, by the demands of their faith, from attaining an equal status like women in the Western society” (OBERVERWALTUNGSGERICHT BREMEN 1992).

In 1993, even the Federal Administrative Court affirmed the practice of exempting Muslim girls from (gym and) swimming lessons. The court argued that if physical education was important, schools should make lessons accessible to all pupils—by creating gender separation at least from age 12. The court also questioned the necessity and educational value of co-educational lessons because of physical differences between boys and girls. Finally, gym and swimming were not essential for emancipation (BUNDESVERWALTUNGSGERICHT 1993).

Court decisions exempting Muslim girls from swimming lessons could have caused public opposition. Courts stated that religious fundamentalists had a right to live according to their religious norms, that Muslim women did not deserve the same chances of emancipation as non-Muslim German women, and that disruptions of school routines caused by cultural pluralism were the schools’ problem and not that of various religious and cultural groups.

None of this stirred a significant public debate. In all the sources analyzed for this study, which included some of Germany’s bestselling newspapers and the protocols of its federal parliament, there were only six comments on exemptions from swimming lessons between 1980 and 1996.

The reason was that at the time, journalists, politicians, and other commentators did not perceive exemptions as a threat to the character of German society. Before 1980, the hegemonic idea in Germany had been that migrants could not become part of the social fabric. Migrants, on the other hand, had lacked a clearly developed wish to make Germany their permanent home, and they also lacked political clout to set their religious and cultural grievances on the agenda.

When the recognition of a need for some form of integration arose around the year 1980 in order to shape the future of society, three distinct concepts began competing for hegemony.

The first dominant one was ethno-primacy, which basically continued to promote the notion that Germany was (supposed to be) an ethnically homogeneous country in which migrants had no permanent place. This approach was initially promoted by the largest political parties, Christian Democrats and Social Democrats, as well as all parties to their right (HERBERT 2003: 237-239). The doctrine of this approach was that “Germany is not an immigration country” (*Deutschland ist kein Einwanderungsland*), and the consequence was that there was no need for long-term integration.

In terms of policy, this approach focused on limiting further immigration, for example by passing tougher asylum regulations (FAIST 1994: 52), financially incentivizing the return of migrants to their home countries (DREB 2018: 259) and disparaging migrants for political gains, even at the cost of tolerating severe and sometimes deadly violence against migrants (FAIST 1994: 52, 61; YURDAKUL 2009: 37).

Danger of Drowning?

Due to its focus on homogeneity, ethno-primacy hardly engaged with notions of integration and cultural diversity and almost entirely ignored the accommodation of migrants' religio-cultural demands (FAIST 1994: 51-53). Promoters of this approach were not interested in the lifestyles of migrants, which they understood not primarily as religiously based, provoking a challenge to Christianity and the Western value system, but as aspects of, for example, Turkish culture, tied to the presence and eventual disappearance of Turkish migrants. The somewhat ironic consequence of this ignorance was that people who rejected foreign religions and cultures in Germany left migrants significant room to express religious and cultural sentiments.

A contesting approach to integration was multiculturalism, which welcomed migration and the public presence of migrants' cultural symbols and practices. It was promoted most ardently by the newly founded Green Party, as well as—less coherently—by members of the Social Democrats, especially from the 1990s onward, the Liberal Party, and, after Reunification, the Left Party. Other proponents were people working on local level with migrants, including teachers and social workers, as well as the Churches and the developing Islamic organizations, among them those intent on spreading a form of Global Islam (DREB 2018: 306-308, 339-346, 491-492; FAIST 1994: 56-7).

Multiculturalism promoted a cosmopolitan society where individual migrants enjoyed equal rights and where minorities enjoyed special group rights for the protection of their cultural identities. This approach understood migrants as subjects in need of public support, of whom only a limited contribution to integration measures could be expected. Generally speaking, the state was responsible for adapting its policies to the evolving society. The German idea of multiculturalism is peculiar in this regard. Due to the country's history of racism and Antisemitism that culminated in genocidal violence, German multiculturalists were careful not to patronize migrants and exerted, in their policy proposals, more tolerance for diversity than other contemporary multiculturalists (BADE 2002: 336-337; SCHULTE 1993: 186-187).

In terms of debating the practical implications of migration and diversification on German society, multiculturalism's tendency to be lenient with migrants led to a result comparable to that of ethno-primacy: potential practical problems of living together, while not altogether ignored, played a minor role or were even belittled. In the realm of schooling, for example, Dieter Wunder, head of the influential German teachers' union GEW, declared that migrant pupils should be allowed to grow up according to the socio-cultural norms of their parents' home country rather than those of Germany (ROSEN 1986: 232-236; REUMANN 1986: 2).

Only a minority approach to the future of migration perceived exemptions as a threat: integrationism. Integrationists acknowledged that Germany had become a migration country and generally accepted this. Proponents of this approach were members of the Social Democrats, the Green Party, the Liberal Party, as well as some journalists and feminists (DREB 2018: 339-346; FAIST 1994: 54).

Their approach was based on a republican understanding of citizenship with the legal privilege of a liberal constitution, including a focus on individual rights (SCHULTE 1993: 195-196). Habermas developed the notion of *Verfassungspatriotismus* (constitutional patriotism), arguing that every person affirming respect for the constitution was permitted to be part of society (HABERMAS 2019: 255).

This begs the question what respect for the constitution meant and how, for the integrationist approach to the constitution, the liberal spectrum of norms was defined other than by loyalty to the constitution and human rights, which are often not clear cut but leave room for interpretation and which, as shown above, can enter into competition when people make use of their liberal right to fight for their constitutionally guaranteed religious freedom.

Apart from excluding fundamentalist norms, contributors evoked equality and tolerance; they encouraged solving conflicts in non-violent ways and reaching compromise to develop a common good. Core sources for the spectrum were laws, rights charters, and demands voiced by social movements (HABERMAS 2019: 261-263).

Integrationists dreaded the development of parallel societies (*Parallelgesellschaften*), a situation in which several societies in Germany lived side by side but without interaction. Each lived according to its own standards, meaning that some lived according to illiberal ones. This not only threatened the lifestyles of members of those societies but could also bring down the liberal society (COHN-BENDIT & SCHMID 1993: 283, 303-309, 286-287; critical of this, especially of the problem of defining *Parallelgesellschaften*: CEYLAN 2010: 341). Such was the outcome, integrationists feared, if integration processes were guided by ethno-primacy or German-style multiculturalism.

The six comments made with regard to exemptions from swimming lessons reflected core integrationist arguments, though it would be a stretch—in this early period of development of the debate—to put a definite label on them or their authors. The comments opposed unlimited religious freedom that allowed (female) Muslim pupils to abstain from swimming lessons.

For example, authors of a 1990 report in *Der Spiegel* criticized that Turkish women in Germany allegedly suffered more than all other groups of migrants because they were drawn between a “medieval code of honor of their home [society] and the necessities of a modern industrial society”. One of the examples for the suffering was a girl who had to take part in swimming lessons in wide, unrevealing clothes, causing other pupils to make fun of her. During Ramadan, the girl was not allowed to swim so as not to accidentally swallow water and break her fast (DER SPIEGEL 1990: 98-114).

In 1993, an article in *EMMA* described how women allegedly suffered at the hands of Islamists. The author criticized Islamic organizations like Millî Görüş whose so-labelled “chief ideologist” Aminah Erbakan and her son were supporting Muslim families in their quests for exemptions from swimming lessons. According to the author, this was undermining school routines (OTT 1993: 40-44).

Shift in Debate and Court Decisions

Since the late 1990s, exemptions from swimming lessons have been a recurring issue in German public discourse and one of the definers of the Islam debate. The intensification of the discourse is drastic compared to the previous period. Within the sources analyzed for this study, between 1997 and 2017, 61 commentators voiced their opinion about exemptions in *FAZ*, *Bild*, and *Der Spiegel*. Some of the comments were front page opinion columns and cover stories. In *EMMA*, 13 authors and interviewees commented on exemptions. Eight did so in *E&W*. In the *Bundestag*, eight politicians addressed exemptions from swimming lessons. In bestselling non-fiction books on Islam, 22 authors discussed exemptions. In *Islamische Zeitung*, 16 authors and interviewees commented on exemptions.

Not only were there more comments, they were also mostly critical of exemptions. Of the 61 comments in *FAZ*, *Bild*, and *Der Spiegel*, 56 opposed exemptions. All of the 13 comments in *EMMA* opposed exemptions and six of the eight comments in *E&W* did so. All eight politicians in the *Bundestag* opposed exemptions, as did all 22 authors of bestselling books. Even in *Islamische Zeitung*, a newspaper by and for Muslims in Germany, eight of the 16 comments opposed exemptions. The paper not only voiced the opinions of Muslims in Germany but also conducted interviews with non-Muslim Germans from the realms of politics and law.

The intensified debate attests to a second major shift in the struggle between various individuals and groups to define the character of society: Some Muslims in Germany were now not only challenging the social status quo, which they have been doing since the 1980s. Newly, they were also recognized as a group that sits at the table and demands its share of the cake. With this, they provoked a reaction from groups that had been shaping society for decades and were now recognizing their diminished share of the cake. Muslim pupils in German pools thus became a symbol not just for a struggle over of a school subject but by some also over a perceived attack on hegemony within German society.

Several developments led to this shift. The first was that the demand for exemptions from swimming lessons drastically increased: since the late 1990s, Muslim individuals and organizations began publishing statements, articles, and press releases demanding exemptions; some financially and infrastructurally supported families sought to exempt their children from school activities. One of the most active organizations was Milli Görüş, which attests at least in part to the influence of Global Islam in shaping the fate of Muslims in Germany.

As a result of that activism, compared to three court cases about exemptions from swimming lessons in the 1980s and 1990s, there were 12 cases between 1997 and 2017. The increase testifies to increasing demand for exemption, or—equally relevant—to decreasing ability of school administrations and Muslim families to negotiate compromise.

The only existing quantitative study about exemptions from swimming lessons shows that the issue involved only a small minority of Muslim pupils in Germany, but that that minority consisted of several thousand individuals. Researchers found that one percent of Muslim pupils did not participate in gender-mixed swimming lessons for religious reasons (0.1 percent of boys and 1.9 percent of girls). Another 2.2 percent of Muslim girls and 1.7 percent of boys abstained from swimming lessons for “other” than religious reasons. Forty-four percent of pupils did not have gender-mixed swimming lessons at the time of the study (HAUG, MÜSSIG & STICHS 2009: 184).

In actual numbers, the roughly three percent of Muslim pupils who did not participate in swimming lessons for religious or other reasons translated into some 22,500 individuals. Those pupils were most likely not evenly distributed among all schools in Germany. There are indications that especially schools in neighborhoods with lower socio-economic status and larger migrant populations faced challenges and potential disruptions (KELEK 2006: 12). It must be noted that school conflicts can have a variety of interrelated reasons and that religious sentiments may play only partial roles.

The increased demand for exemptions was partly based on the abovementioned increase and diversification of migrants from Muslim countries. More migrants came from countries where they had been used to conservative ways of life, some with strict gender segregation in the public sphere, such as Afghanistan or parts of Iraq. It was also based on a further

increasing sense of religiosity among second- and third-generation migrants, i.e. the original migrants' children and grandchildren—also in comparison to levels of religiosity expressed by Germans (DIEHL & KOENIG 2009: 308-314; THIELMANN 2008: 15-16). Some of them felt an alienation of hyphenated identities, such as Turkish-German (SCHIFFAUER 2004: 364; SHAVIT 2009: 166).

Muslim preachers and organizations—among them those that are part of Global Islam, on the ground in Muslim as well as non-Muslim countries, and especially on digital media—understood this feeling and instead promoted a Muslim identity, which one could express regardless of where one was from or where one was going (SCHIFFAUER 2004: 364). As part of that identity, organizations and preachers insisted that one should seek to respect (their particular interpretation of) Islam in all aspects of life (YURDAKUL 2009: 99).

A second development was the empowerment of Muslim migrants. Second- and third-generation migrants spoke fluent German, obtained German school degrees, and knew how to deal with the state infrastructurally. Some became active in Muslim organizations and contributed to their further professionalization, for example in terms of creating legal departments to confront the state with demands. By the early 2000s, *Millî Görüş*, for example, controlled over 320 mosques in Germany and became the country's most influential Islamist organization (VIELHABER 2012: 47).

A third development leading to the intensification of the debate about exemptions from swimming lessons was the 'Muslimization' of the integration debate: issues related to migrants from Muslim countries, whether actually tied to religion or not, came to be seen through the lens of their (assumed) religious affiliation (SPIELHAUS 2006: 30; KARAKAYALI 2010: 173; ATTIA 2010: 120). Pupils with a migration background in Muslim countries used to be identified as Turkish or Moroccan pupils. Since the early 2000s, they are identified as Muslim pupils. There are three main reasons for this Muslimization of the debate.

One was the abovementioned change in citizenship regime in 2000. People of Turkish or Moroccan background were no longer Turks and Moroccans but Germans (of Turkish or Moroccan origin). Some Germans sought to draw a distinction by referring to them as Muslims and thus as different from the Christian majority. Another reason was the increasing prominence of acts of terror committed in the name of Islam, such as 9/11 or the Madrid train bombings, and acts of domestic violence in Muslims families, such as killing a daughter or sister who did not abide by conservative patriarchal lifestyles. A third reason was the greater visibility of Islam in the public sphere, for example through the building of mosques and women donning modest clothing and headscarves.

A fourth reason for the shift in attitudes against exemptions from swimming lessons was that not only Muslims, but also other previously ignored or at least underrepresented participants began sitting at the table and promoting their visions for the character of society. Some of those interests were incommensurate with the demand to exempt Muslim girls from swimming lessons or to promote conservative religious gender norms in general. Among those groups were atheists, who sought to reduce the influence of religion in the public sphere and who no longer accepted that certain spheres of life should be dominated by religious ideas (GROBBÖLTING 2013: 43).

Affirmation of religious beliefs drastically declined in Germany. In 1976, when Islamic norms in German schools were not yet an issue, 87.6 percent of Germans were members of

the Catholic or the Protestant Churches. By 2017, it was only 54.2 percent (FORSCHUNGS-GRUPPE WELTANSCHAUUNGEN 2015: 7; KIRCHENAMT DER EKD HANNOVER 2018: 7). While more mosques were being built (up to around 2,700 currently), hundreds of churches closed—some of them being turned into mosques (FABRICIUS 2018).

The other group that gained more say in public debates were feminists, who insisted that women have a chance to emancipate and not, for example, be prohibited from attending public pools by the patriarchal concepts of their parents.

The developments caused a shift in the order of the three approaches to integration introduced above. Integrationism became the dominant approach to the future of Germany's diverse society because it best captured the essence of the problem: there is a diverse array of groups that make up German society, among them Muslims. Those are and will remain part of the social fabric. The Basic Law grants them room for their religio-cultural norms and practices. But this room has to be limited by the constraints of a minimum of shared norms and values of the secular, liberal society that is Germany. This became the dominant approach, expressed by the largest political parties, as well as by the media and civil society organizations. Most comments analyzed for this study fall into the category of integrationism.

With regards to school swimming lessons, the main problem for integrationists, among whom figured some prominent liberal Muslims, was that exemptions almost uniquely targeted girls. They were thus seen as an expression of gender inequality, which some critics labelled fundamentalist interpretations of Islamic norms and a sign that a family rejected (what they uncritically understood as) liberal democratic values as well as a sign that a family refused to become part of German society.

For example, Necla Kelek (b. 1957 in Istanbul), an author and academic specializing in migration and gender relations, recounted in a bestselling book how, as a child in a Muslim family, she had to be home right after school, without playing outside or going to the swimming pool. She also presented impressions she gained as a researcher doing field studies in German schools. For example, a scene she witnessed at a lake near Berlin, where a boy insulted a girl who wanted to enter the water. Kelek called this an “emancipatory debacle” creating a parallel society that “has only little to do with an enlightened civil society” (KELEK 2007: 145-154).

Former chancellor Angela Merkel (b. 1954, Christian Democrats) explained that her government had ended the “*Multi-Kulti-Traum*” (Dream of Multiculturalism) and opted for a more realistic approach: “We can expect from those who come here that they integrate into our society, that they learn our language. That men facilitate their wives’ participation in our social life, that girls are allowed to join school trips and gym lessons” (MEYER, BACKHAUS & LAMBECK 2010: 6-8).

Alice Schwarzer (b. 1942), Germany's most prominent feminist and the founder of *EMMA*, claimed in the introduction to a 2010 bestselling book that society's real problem was not Islamist terrorism but the systematic infiltration of the legal and education system with the goal of Islamizing the West and introducing *shari'a* and thus threatening Germany's democratic character. As an example, Schwarzer pointed to organizations like Islamrat that instructed parents on how to exempt girls from swimming lessons (SCHWARZER 2010: 25-6).

The ethno-primacy approach transformed in comparison to the 1980s and 1990s. It no longer denied the permanent presence of migrants and their cultures and religions in Germany. It now acknowledged religio-cultural diversity but sought to protect a Christian-

Occidental privilege, which it termed *Leitkultur* (guiding culture). Norms that were not based on Christianity, which, ethno-primacists explained, was the source of Western values, did not deserve accommodation in schools.

Commentators, who were members of conservative and right-wing parties, such as Friedrich Merz (b. 1955, Christian Democrats), as well as some public intellectuals such as former federal banker Thilo Sarrazin (b. 1945, formerly Social Democrats), proclaimed that exemptions based on religious grounds were not part of Christian-Occidental *Leitkultur* and therefore should be rejected. Accepting them would lead to the Islamization of society (SARRAZIN 2010: 266; see also ALIKHANI & ROMMEL 2018: 17-21).

For example, Horst Dreier (b. 1954), a former professor of public and administrative law, claimed in an *FAZ* essay that despite their illiberal past, the Christian Churches have become crucial supporters of democracy and human rights. Christianity was a “culture-shaping factor of first rank,” including for the development of law. Dreier argued that the state had to impose laws, especially against those who wanted to justify difference with religion. An example were exemptions from swimming lessons for girls (DREIER 2007: 10).

Josef Isensee (b. 1937), a former law professor, wrote in an *FAZ* essay that “people from the Islamic cultural sphere” had a right to resist integration. They could decide to live in Germany according to the rules of an “eastern Anatolian mountain village” and to teach children conservative Islam and that non-Muslims are enemies. But school content should prepare children for Germany’s open, liberal society and help them climb the social ladder. Exemptions from swimming lessons countered that objective (ISENSEE 2010: 8).

Only some advocates of multiculturalism still did not see a problem in exemptions from swimming lessons. For some, this was based on a fear of seeming racist or patronizing, and on a feeling that minorities could integrate best when they enjoyed the right to fully express their identities. For others, including those who had a migration background, multiculturalism was the only fair way to debate the future of society. It was fair in the sense that migrants deserve room to introduce new religio-cultural particularities into society even if that questioned core norms of the majority.

For example, Oğuz Üçüncü (b. 1969 in Hamm), who served as general secretary of Milli Görüş from 2002 to 2014. In 2005, he told *FAZ* that he did not allow his daughter to join swimming lessons because there was no guarantee that the girls would be in a pool free of men. His religion did not permit gender-mixed swimming. He argued with regards to the legal evaluation, that his parental authority should have precedence over the state’s authority (LERCH, KUSICKE & RÖBLER 2005: 6).

Mustafa Yeneroğlu (b. 1975 in Bayburt) was Üçüncü’s second in command at Milli Görüş. He said in a 2008 interview with *Islamische Zeitung* that recent court decisions against exemptions from swimming lessons showed a trend to limit the religious freedom of Muslims and to assimilate them. The state should make sure to remain neutral. He felt that teachers wanted to force “enlightenment” on pupils (ISLAMISCHE ZEITUNG 2008).

When public opinion with regards to exemptions from school activities changed, so did the attitudes of German courts in cases deliberating desired exemptions. New court cases about exemptions emerged in 2005 because school administrations refused to accept the 1993 Federal Administrative Court decision legitimizing exemptions for Muslim girls. The court in 2005 and all courts that subsequently decided on exemptions denied the exemption

requests of Muslim families.¹⁰ Courts thus not only mirrored a changing social sentiment but also set legal precedents with significant weight in the public debate.

Their main argument was that due to the invention of a swimming garment that, in their view, reduced injury to Islamic modesty, the pupils' right to religious freedom was no longer totally void. Girls no longer had to reveal their 'awra before others and were only confronted with the 'awra of their peers. The garment courts referred to was the burkini (a mix of burqa and bikini). The problem from the point of view of religious freedom is that the burkini, in the view of basically all *muftis*, does not solve the modesty issue and is therefore not suitable for Muslim women.

Muftis point to the concept of 'awra prohibiting gender mixing in sexually charged environments where one exposes and is exposed to the nakedness of others. *Muftis* even question whether the burkini really hides the contours of the person wearing it (FETVA KURULU 2020). Thousands of Muslim women all over the world attend pools and beaches dressed in a burkini. This attests to the flexible and pragmatic manner in which some religious Muslims practice religious norms in secular environments. But it does not mean that being in a co-educational swimming lesson and seeing the bare chests of male classmates does not create discomfort for others.

Courts claimed that the burkini reduced the harm to the girls' right to religious freedom by "reducing" their nakedness. This, however, misses the point of religious prohibitions. For a Muslim woman who believes that she needs to hide her body totally from the view of strangers and that she may not see the naked skin of men in a sexually charged environment, breaking just one of the stipulations invalidates the entire norm.

Courts that some twenty years earlier used to tolerate exemptions even if those—in their view—harmed gender equality and allowed fundamentalists to abide by their religious norms now claimed they sought to protect the majority consensus of Germanness: the same rights for women and men and a minimum of shared norms and practices in the public sphere. Courts reiterated arguments from the public debate, such as that exemptions contributed to the creation of *Parallelgesellschaften*, that co-educational swimming was one way of allowing Muslim girls to experience different lifestyles than those taught at home, and that exemptions threatened school routines in neighborhoods with large Muslim populations.

For example, in 2005, the Administrative Court of Hamburg ruled that a nine-year-old girl should tolerate her peers' nakedness and that she could swim in modest garments. Anyway, the court found that nine-year-old girls did not have to abide by Islamic dress codes yet. The court declared that co-educational swimming lessons helped the state to raise children to become responsible adults and live a tolerant life in a pluralistic society and avoid parallel societies (VERWALTUNGSGERICHT HAMBURG 2005).

In 2013, the Federal Administrative Court, the same that had ruled in favor of exemptions from swimming lessons in 1993, issued the—to date—most definitive ruling against blanket exemptions, which summarized the shift in German public discourse: "Exemption from certain lessons cannot function as the routine option for conflict resolution, chosen in every case in which an infringement of religious positions occurs due to the content of class. [...]" Given that the state's capacity to tolerate religious concerns is limited for reasons of

¹⁰ Since 2005, there have been two cases involving Muslim boys.

practicability and especially due to the role of schools in facilitating integration, all parties involved have to accept a measure of infringement on their religious beliefs [...]” (BUNDES-VERWALTUNGSGERICHT 2013).

The Muslim family appealed to the Federal Constitutional Court for a revision. However, the latter rejected the appeal in 2016, more than four years after the initial case began and at a time when the girl no longer had swimming lessons. The court cited formal grounds but nevertheless reiterated the arguments of previous instances (BUNDESVERFASSUNGSGERICHT 2016).

There was no shortage of critical voices among legal scholars regarding the decision to limit exemptions for Muslim pupils from swimming lessons. However, those mostly cited legalistic reflections and refrained from commenting on social questions.

For example, Scholz admitted that limiting exemptions from swimming lessons in order to support emancipation and protect social cohesion currently befitted the dominant opinion among legal scholars. Yet, he criticized that limiting exemptions caused significant harm to religious freedom. Excusing such harm with undefined notions of integrating diverse cultures into a secular and pluralistic society was not sufficiently grounded in the Basic Law. Furthermore, the Basic Law did not contain a duty to integrate (SCHOLZ 2013: 18-20).

Conclusion

This article presented the results of an analysis of German public discourse about exemptions for Muslim pupils from school swimming lessons. The issue became one of the main tokens of the German Islam debate. Commentators in the public discourse, including Muslim and non-Muslim Germans, used swimming lessons symbolically to negotiate the space for Islam in Germany and the say of Muslims in shaping country and society.

For some 20 years, between the early 1980s and the late 1990s, public discourse ignored exemptions from swimming lessons or even accepted them. That was because Muslims were not seen as equal members of society. Around the year 2000, a shift occurred: commentators from a wide spectrum of political and cultural orientations, called for the denial of exemptions. This was because Muslims, as well as other previously underrepresented groups in society, became part of the discourse, making it more complex, requiring greater compromise, and limiting space for expressions of religiosity interpreted as threatening the liberal character of society. The somewhat ironic result is that conservative Muslims enjoyed greater religious freedom when they were not equal members of society and when there was more hostility toward migrants and cultural pluralism. Encroaching integration has led to greater necessity for compromise.

But what should be done regarding the demand for exemptions from swimming lessons? It makes sense to remember that contemporary schooling is both about the acceptance of difference among pupils—be they religiously, ethnically, or skill-based—and about the shaping of a coherent society. Two aspects should be weighed: the pedagogical-scientific value of swimming lessons, and the impact of exemptions on core notions of mutual respect in a culturally diverse society.

It is possible to teach swimming in gender-segregated cohorts as long as the educational goal—being able to swim—is achieved and it is guaranteed that the education system in

general teaches values important for society, such as gender equality, respect for different cultures and religions, and a chance for each child to succeed in life.

After all, one might ask, if co-educational swimming lessons are so central to integration and social cohesion, then why is there still so much social tension, why is there racism, and why is there no gender equality? Have all those opinion leaders, including politicians, journalists, and judges, not attended co-educational swimming lessons?

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Les musulmans albanais entre enjeux locaux et perspectives globales

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Abstract

Peut-on considérer que les musulmans albanais sont un élément intégré de l'islam global ? Cet article essaie de répondre à cette question à partir de la définition de « Islam global » de Nile Green. À cet égard, il se concentre sur les processus de reconstruction postsocialiste dans lesquels divers acteurs, locaux ou étrangers, ont été impliqués. Des acteurs qui, ensemble, ont façonné la pluralisation de l'arène islamique, au sein de laquelle ils agissent de manière stratégique, parfois conflictuelle. Une action qui est toutefois affectée par des orientations gouvernementales mais aussi géopolitiques, mais qui semble en même temps partiellement détachée du comportement religieux des musulmans albanais.

Key words: Islam global; Albanie; Balkans; Postsocialisme; Gülen; mojāhedīn-e khalq; wahhābisme; Bektāshīyya, Iran, Turquie, Soufisme.

Introduction

Dans les ouvrages spécialisés sur l'histoire des musulmans et des civilisations islamiques, l'espace de l'Europe du Sud-Est est souvent oublié, marginalisé ou simplement évoqué. Qu'il suffise de rappeler que l'ouvrage magistral de Shahab (2016) « What is Islam ? », qui traite du paradigme « Balkan-to-Bengale », n'aborde jamais l'Europe du Sud-Est. L'ouvrage de Green (2020) « Global Islam », qui traite de divers domaines culturels et géographiques, consacre peu de place aux Balkans, malgré leur intérêt heuristique potentiel. Cet oubli provient probablement du caractère liminal de la région des Balkans, considérée comme étant à mi-chemin entre l'Est et l'Ouest, donc ni occidentale ni orientale. Un espace hybride, donc soumis à des spéculations discursives et symboliques qui réifient son image sociale. Ces imaginaires, appelés balkanismes, essentialisent les traits de manière ambivalente (TODOROVA 1997), et, pour ce qui concerne l'islam, ils proposent une vision dichotomique des musulmans, victimes d'un génocide ou djihadistes (BOUGAREL et CLAYER 2013).

Cette situation a également suscité peu d'intérêt académique, ce qui a conduit à ne considérer l'islam que comme une composante idéologique au service de régimes politiques ou de

groupes terroristes (ELBASANI & ROY 2015). L'étude des pratiques et des savoirs islamiques locaux semble être négligée ou du moins marginalisée par rapport aux études anthropologiques, qui néanmoins privilégient une approche culturaliste, limitée à l'espace balkanique. De leur côté, les études islamiques ont tendance à considérer les régions balkaniques comme périphériques par rapport au centre islamique, ou comme une frontière secondaire de l'Empire ottoman (BRIA 2017). C'est précisément pour cette raison que les livres d'histoire islamique globale, mais aussi les manuels scolaires en général, ont tendance à sous-estimer les Balkans. Un cadrage plus large de la région dans l'histoire islamique fait donc défaut, malgré leur intérêt scientifique découlant précisément de la liminalité mentionnée plus haut.

C'est précisément pour cette raison que cet article entend se concentrer sur un cas spécifique de la région des Balkans, l'Albanie, qui présente des intérêts scientifiques à la lumière de la notion de l'islam global de GREEN (2020). Selon GREEN (2020: 2), le terme « Islam global » concerne les doctrines et les pratiques promues par des activistes religieux transnationaux, des organisations et des États à l'ère de la mondialisation. Il affirme que la mondialisation a entraîné des transformations sociales et technologiques qui ont permis l'émergence et la prolifération de différentes versions de la foi islamique, tant politiques que non politiques. Green ne considère donc pas l'islam global comme un « bloc civilisationnel » unique, mais comme un kaléidoscope complexe de formes de foi changeantes et concurrentes, qui évoluent en fonction des dynamiques, des réseaux et des trajectoires de la mondialisation. Les efforts de ces acteurs islamiques mondiaux impliquent diverses stratégies et moyens d'action visant à déployer leur propre version de la foi islamique. Selon GREEN (2020: 18) « rather than producing a single unified Islam, globalization has enabled an incrementally increasing range of religious actors to distribute widely divergent programs of how the world's Muslims should conduct their personal, social, and sometimes political lives. What the many contrasting contributors to global Islam have in common is not a standard set of beliefs or practices, but their shared use of the opportunities of globalization ».

Cette notion est considérée comme heuristiquement fructueuse pour l'étude du cas albanais, compte tenu de son histoire récente et sa diversité religieuse. Bien que le pays soit majoritairement islamique, les chrétiens orthodoxes et les catholiques sont également présents.¹ Dans la sphère islamique, on trouve le filon sunnite hanefite, ainsi qu'un nombre considérable d'ordres soufis (en arabe *turuq*, sing. *tarīqa*), en particulier la Bektāshīyya, qui, pour des motifs historiques que la suite de l'article expliquera, est devenue une communauté religieuse indépendante. De 1945 à 1991, le pays des aigles a été dirigé par un régime communiste fortement antireligieux qui envisageait d'interdire toute forme de culte religieux en 1967 (DANI 2023). Le chef du régime, le dictateur Hoxha (m. 1985), considérait la religion comme un obstacle au progrès de la patrie. Il a donc mis en place une campagne et une propagande antireligieuses profondes qui ont conduit à la fermeture, voire à la destruction de divers lieux de culte, à l'arrestation du personnel religieux et à la destruction du matériel. À cela s'ajoute une fermeture géopolitique progressive au monde extérieur, qui a abouti dans les vingt dernières années du régime à la mise en place d'une autarcie substantielle. L'effondrement du régime a donc entraîné une réouverture au monde extérieur, ainsi que la fin de l'interdiction

1 Il est difficile de donner des proportions précises car les données du dernier recensement sont imprécises et datent de 2001. Toutefois, selon ce recensement, les musulmans sont le 70 % de la population, les catholiques 20 % et les orthodoxes 10 %. Voir BOUGAREL & CLAYER 2012.

religieuse. L'Albanie est alors devenue une terre à réislamiser, un processus auquel divers acteurs, aussi bien étrangers que locaux, ont tenté de participer. C'est précisément sur ce dernier point que se concentre cet article, à savoir sur l'analyse du processus de reconstruction islamique postsocialiste par rapport aux processus de mondialisation. Le but est de comprendre dans quelle mesure les communautés musulmanes albanaises ont été touchées par la mondialisation, ce qui s'est traduit par une variété d'opportunités, d'espaces et de canaux permettant à divers acteurs de mettre en œuvre une série de stratégies qui peuvent être conflictuels, compétitifs ou coopératifs. Le but est également de déterminer les impacts des agissements de ces acteurs, c'est-à-dire si et comment ils ont influencé le débat public, les pratiques et les croyances musulmanes en Albanie. Cet article reprend également la réflexion d'Olivier ROY (2002 ; 2008) sur la déculturation et la déterritorialisation de la religion, qui impliquent le détachement de la religion de la culture locale. Les sources résultent de plusieurs terrains de recherche menés de 2014 à aujourd'hui, soit pendant près de vingt mois, dans le sud-est de l'Europe, notamment en Albanie.

L'arène postsocialiste

En 1991, lorsque le régime s'est effondré, les signes de près de cinquante ans de communisme étaient bien visibles dans la société albanaise. Le dictateur Enver Hoxha avait cherché à faire de l'Albanie un pays moderne et progressiste au moyen d'une série de réformes – industrialisation, urbanisation et athéisation – qui visaient à s'inscrire dans le sillage des progrès marxistes (KARATAS 2020). Marquée par les politiques socialistes, la société albanaise a connu une transition postsocialiste complexe, tant sur le plan économique que politique et social (DALAKOGLU 2012).

Dans ce contexte, la religion a été perçue comme une rupture avec le passé communiste. L'interdiction de la religion a été abolie en tant que signe de la nouvelle orientation démocratique. Les débats religieux sont également revenus dans l'arène publique, bien qu'ils n'aient pas affecté la laïcité de l'État (CLAYER 2003 ; ELBASANI & PUTO 2017). Cependant, par rapport à la période communiste, l'État a continué à exercer un contrôle strict sur les activités religieuses. La Commission Étatique des Cultes (*Komiteti Shtetëror për Kultet*) a été créée pour gérer les relations entre les communautés religieuses reconnues et le gouvernement. Ce contrôle visait à empêcher toute communauté religieuse de remettre en cause la laïcité de l'État et la coexistence interreligieuse pacifique entre les Albanais. Ce dernier point, appelé « harmonie interconfessionnelle » (*harmoni ndërëfetare*), est directement impliqué dans le discours nationaliste albanaise qui, depuis la période de la *Rilindja* (« Renaissance »), affirme que l'appartenance ethnique et linguistique albanaise est plus importante que l'appartenance religieuse (MOROZZO DELLA ROCCA 1990 ; CLAYER 2007). Cela a permis de développer une ontologie sur la « tolérance religieuse » (*toleranca fetare*) des Albanais, qui est considérée comme « une valeur fondamentale, plus profondément ancrée dans la tradition albanaise et ses valeurs civiques et morales » (VURMO 2018: 6). Selon BARBULLUSHI (2015), la tolérance religieuse est devenue le discours identitaire dominant de la nation albanaise dans la période post-communiste. Les politiciens et intellectuels albanais ont promu le débat public sur la tolérance religieuse comme la preuve ultime de la véritable appartenance de la nation albanaise à la sphère culturelle européenne ainsi que de la contribution de l'Albanie à la

sécurité européenne. Selon ELBASANI & PUTO (2017), cependant, les discours sur la tolérance religieuse et l'harmonie interconfessionnelle visent à maintenir l'équilibre entre les différentes confessions au sein de l'Albanie. La laïcité et le sens du respect réciproque entre les religions découleraient d'une solution de compromis visant à éviter les conflits interreligieux au sein d'un État qui, en raison de son hétérogénéité religieuse, ne s'est pas lié à une seule foi.

Le nationalisme, en tant que véritable religion civile – sublimée par la suite à l'époque socialiste – établit diverses nuances narratives, comme le fait que les Albanais sont indifférents à la religion, qu'ils sont en fait païens, appartenant ainsi à une seule religion originelle, et qu'ils sont ontologiquement tolérants à l'égard de la diversité (ENDRESEN 2012). Le récit nationaliste est donc devenu la porte d'entrée par laquelle les communautés religieuses doivent passer, en se faisant les porteuses de ce message afin de reproduire le discours nationaliste et de recevoir ainsi la reconnaissance de l'État.

L'héritage communiste s'est toutefois manifesté sous d'autres formes et d'autres manières, impliquant la sphère religieuse, conduisant à une approche critique et rationaliste de la religion, perçue, ainsi, comme une croyance démodée. En particulier, les jeunes des zones urbaines et les élites culturelles perçoivent l'islam comme une religion fanatique et potentiellement dangereuse, et prônent l'adoption de traditions religieuses occidentales ou l'athéisme (SULSTAROVA 2012, 2015). Plus généralement, les Albanais ont une approche individualisée à la foi et à la pratique religieuse, que l'on pourrait définir « à la carte » puisqu'elle est vécue et interprétée en fonction des diverses conditions sociales et des rythmes de vie (CLAYER 2003). Ces facteurs – d'un côté une approche critique et, de l'autre, une approche individualisée – ont conduit à l'érosion de l'autorité et de la tradition religieuses (BRIA 2019). La normativité de la religion est souvent combattue et négociée sur une base individuelle. Il en résulte une religiosité fluide et une affiliation religieuse transversale, comme en témoigne la fréquence multiconfessionnelle des lieux de culte, souvent enveloppée dans la rhétorique nationaliste selon laquelle « la véritable religion des Albanais est l'albanisme » qui est perpétuée par les autorités politiques autant que par les autorités religieuses (ENDRESEN 2012).

La reconstruction religieuse a été un processus complexe (TRIX 1994), avec diverses implications sociales et politiques, en particulier pour l'Islam, compte tenu de son caractère historiquement mosaïque (LAKSHMAN-LEPAIN 2001 ; CLAYER 2003 ; ELBASANI & ROY 2015). On peut trouver plusieurs dynamiques impliquées, interdépendantes, covalentes, mais avec des mécanismes distincts dans lesquels divers acteurs ont pris part. Compte tenu de l'espace dans lequel ces acteurs agissent et se légitiment, on peut les définir comme des acteurs locaux, nationaux et internationaux. L'action combinée de ces acteurs a contribué à la pluralisation de l'arène religieuse islamique postsocialiste. Une pluralisation combinée non seulement par le renouveau des activités religieuses, mais aussi par divers facteurs, tels que l'ouverture sur le monde extérieur et la mondialisation. Ces facteurs sont liés à la transition de la période communiste à la période post-communiste, au cours de laquelle divers mécanismes et trajectoires transnationales se sont développés pour former une arène islamique plurielle et hautement compétitive dans laquelle chaque acteur apporte sa propre version de l'islam. Des acteurs qui développent des stratégies de légitimation pour forger leur propre autorité dans une société post-séculaire et mondialisée. Des stratégies qui impliquent des démarches qui ne sont pas nécessairement conflictuelles, mais aussi collaboratives et négociatrices, comme on le verra. Des stratégies qui, à tous égards, visaient à réislamiser un espace où la tradition, le

leadership et la matérialité islamiques avaient été profondément minés par le régime. Un espace, celui albanais, qui représentait donc un « champ vert » à réislamiser, par le biais de mesures portant sur les sphères doctrinales, pratiques et matérielles.

Le «wahhābi intermezzo» et la Ligue des Imams

L'expression « wahhābi² intermezzo » a été utilisée par ÖKTEM (2010) pour définir l'intervention d'acteurs et de réseaux salafiste du Moyen-Orient dans la région des Balkans au début de la période postcommuniste. Si certains de ces acteurs étaient originaires d'Arabie saoudite (d'où l'adjectif « wahhābi »), d'autres venaient d'autres pays arabes, comme le Qatar, les Émirats arabes, l'Égypte et, dans une moindre mesure, le Liban, la Jordanie ou la Syrie. Le terme « intermezzo » définit le caractère transitoire de ces réseaux, qui ont souvent été remplacés ou dissous à la fin des années 1990, bien que certains soient encore présents aujourd'hui. Ces acteurs arabes sont intervenus dès la chute du mur de Berlin pour secourir les musulmans des Balkans fragilisés, selon eux, par la culture communiste blasphématoire et athée ou par l'attaque des mécréants (que l'on songe au cas bosniaque). Le but était de mener la reconstruction institutionnelle et matérielle et de rééduquer les musulmans des Balkans sur la base de leur propre vision de l'islam (SCIARRA 1996 ; CLAYER 2003).

En Albanie, des fondations saoudiennes et celles des émirats arabes sont rapidement intervenus après la chute du régime pour soutenir la reconstruction de certaines mosquées anciennes détruites par le régime et la construction de nouvelles mosquées. Par exemple, la construction de la principale mosquée de Shkodra nommé en hommage au premier calife Abū Bakr (*Xhamia Ebu Bekër*), a été financée par le Shaykh saoudien Abdullah Al-Zamil ; tandis que la reconstruction des madrasas de Shkodra et Kavaja a été financée par les Saoudiens et à Tirana par une fondation qatarienne (SCIARRA 1996).

Cette intervention a été favorisée par la politique d'ouverture au monde arabo-musulman menée par Sali Berisha,³ Président de la République à l'époque. Berisha a même promu l'adhésion de l'Albanie à l'Organisation de la Coopération Islamique, afin de s'attirer les faveurs de divers pays islamiques (LAKSHMAN-LEPAIN 2001 ; CLAYER 2003). *De facto*, le Président Berisha essayait, de manière pragmatique ou parfois ambiguë, d'établir des relations géopolitiques multilatérales qui pouvaient offrir des bénéfices géopolitiques et financiers. Parallèlement, l'Albanie a entamé sa procédure d'adhésion à l'OTAN et c'est dans ce contexte qui a débuté la mission « Pélican », dans le cadre de laquelle plusieurs pays occidentaux – en premier lieu l'Italie – ont offert leur soutien au pays. Cette stratégie – en plus de susciter des controverses internes – a également favorisé l'établissement de réseaux coopératifs, ce qui

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- 2 Mouvement islamique dogmatique remontant aux enseignements de Muḥammad ibn 'Abd al-Wahhāb, à la fin du XVIII^e siècle dans la péninsule arabique. Le wahhābisme, descendant direct du hanbalisme le plus strict, propose, outre le monothéisme absolu, un approche littéraliste aux sources, la purification de l'islam des innovations qui le dénatureraient, imputées surtout au soufisme, l'une des principales cibles du *jihād* (« effort ») wahhābite. Le wahhābisme a gagné une autorité notable après que Muḥammad Ibn Sa'ud l'a adopté comme idéologie du premier État saoudien.
 - 3 Sali Ram Berisha est un homme politique albanais, Premier ministre de l'Albanie de 2005 à 2013 et ancien président de la République de 1992 à 1997. Il a longtemps été secrétaire du Parti démocratique albanais.

s'est traduit par des investissements arabes en Albanie. En 1994, la Banque arabo-islamique albanaise a été créée avec des capitaux albanais, saoudiens et bahreïnien dans le but d'encourager les investissements arabes en Albanie. Une partie de ces investissements a toutefois fait l'objet d'une médiation officielle ou a été destinée d'une autre manière à la Communauté Islamique d'Albanie (*Komunitetit Mysliman të Shqipërisë* – KMSH), qui était le propriétaire officiel des madrasas et des mosquées. Fondée en 1923, comme toutes les autres communautés religieuses, la KMSH a été fermée en 1967 à la suite du décret d'interdiction religieuse imposé par le régime communiste. En 1990, la communauté a repris ses activités, avec la disparition de l'interdiction. Ses organes sont élus de manière indépendante par ses membres. Néanmoins, elle se trouve dans une certaine mesure sous la dépendance et le contrôle du gouvernement, par le biais du ministère de l'Intérieur et de la Commission Étatique des Cultes. En fait, la KMSH soutient un islam hanefite modéré et libéral, conforme aux ambitions euro-atlantiques et à l'orientation interculturelle et nationaliste du gouvernement albanais. Ses représentants promeuvent la *harmoni ndërfetare* en tant que signe distinctif de la culture albanaise en coopération avec les dirigeants d'autres communautés religieuses, dans le cadre de diverses initiatives publiques et sociales (ENDRESEN 2015).

Parallèlement aux mosquées et aux madrasas, un abondant matériel de prosélytisme wahhābite été envoyé en Albanie, tandis que la traduction en albanais de textes d'érudits néosalafistes,⁴ tels al-ALBANI⁵ (2002 ; 2005), a été encouragée. D'autres matériaux de prosélytisme proviennent des cercles des Frères musulmans en Égypte,⁶ comme en témoigne la diffusion de milliers d'exemplaires du Coran en arabe et en albanais par un editor égyptien, dont l'introduction, rédigée par un certain Ahmed Raif, exhortait les Albanais à combattre « le diable du christianisme » (SCIARRA 1996). Diverses bourses ont été distribuées à de jeunes Albanais pour qu'ils étudient dans des écoles religieuses saoudiennes ou émiraties. Moins d'étudiants ont été envoyés en Syrie, en Jordanie ou au Liban. Cependant, ces réseaux ont

4 Sur le salafisme voir WIKTOROWICZ 2006, MEIJER 2009 et LAUZIÈRE 2015.

5 Abū 'Abd al-Rahmān Muḥammad Nāṣir al-Dīn al-Albānī était un érudit salafiste en théologie islamique et un expert en *tafsīr* Qur'ānique. Il a été surnommé le « lion de la sunna » (*Asad al-Sunna*) par les salafistes en raison de sa dévotion à la pensée salafiste sunnite. Ses enseignements remettaient en question l'autorité religieuse des oulémas formés de manière traditionnelle. Son appel à suivre le Qur'ān, la Sunna et les *Salaf al-Ṣāliḥ* (« Pieux Ancêtres ») a soulevé des débats sur l'autorité des oulémas dans l'interprétation des textes religieux. Ces débats ne se sont pas limités aux cercles savants, mais se sont déroulés dans les mosquées, les cafés, en ligne et dans les rassemblements sociaux. Les points de désaccord entre Albani et ses détracteurs ont eu un impact sur la compréhension religieuse de millions de musulmans. Le cœur du problème est de savoir ce qu'est la Sunna, qui la représente le mieux et comment elle est correctement comprise. Pour une enquête sur ses enseignements, voir HAMDEH 2021. Sur le sunnisme voir HALVERSON 2010 et KRSTIC & TERZIOGLU 2021 ; pour le réformisme, voir SHIREEN 2008.

6 Frères musulmans, (arabe *al-Ikhwān al-Muslimūn*) organisation politico-religieuse fondée en 1928 à Ismāīliya, en Égypte, par Ḥasan al-Bannā' (m. 1949). D'orientation islamiste, elle prône un retour au Qur'ān et aux *Ḥadīth* comme lignes directrices d'une société islamique moderne et saine. Ils s'opposent à la sécularisation des nations islamiques, en faveur d'une observance qu'ils considèrent comme plus fidèle aux préceptes du Qur'ān et de la Sunna, et pour unir les nations islamiques, en particulier les nations arabes, et ainsi les libérer de l'impérialisme étranger. Leurs champs d'action sont la politique traditionnelle, l'enseignement, la santé et les activités sociales en général, ainsi que l'organisation de réunions de prière. Ils sont répandus dans de nombreuses régions du monde islamique et s'appuient sur un réseau transnational pratiquement mondial.

progressivement affaibli en raison de bouleversement politiques internes, qui ont vu l'accession au gouvernement du parti socialiste de Fatos Nano,⁷ qui a accusé Berisha de favoriser le prosélytisme islamiste (LAKSHMAN-LEPAIN 2001). Cette évolution a coïncidé avec l'alignement définitif de l'Albanie à l'atlantisme et à l'eupéanisme, qui s'est consolidé à la suite des attentats du 11 septembre 2001, lorsque l'Albanie a pris publiquement ses distances par rapport à toutes les formes de radicalisme islamique.

Cependant, le travail de prosélytisme de ces réseaux wahhābites n'a pas seulement permis la reconstruction matérielle des mosquées et des madrasas, mais a également favorisé la diffusion d'une approche scripturale néo-salafiste, promue par les jeunes Albanais partis étudier au Proche-Orient. De retour en Albanie, ces derniers ont convergé dans la principale organisation salafiste d'Albanie, la *Lidhja e Hoxhallarëve e Shqipërisë* (LI – « Ligue des imams albanais »). Les imams de la LI ne sont pas formés en Arabie Saoudite ou dans les Emirats Arabes ; certains ont étudié en Jordanie, au Liban ou en Syrie, mais ils partagent tous plus ou moins la même approche doctrinale et rituelle. Les membres de cette organisation, fondée en 2010, se sont dissociés de la KMSH avec laquelle ils étaient en désaccord sur le plan juridique et doctrinal (ENDRESEN 2015). Les imams de la Ligue utilisent des canaux conventionnels pour diffuser leurs idées, comme la *qotba* du vendredi (en arabe *khuṭbah*, « sermon ») prêchée dans les mosquées qu'ils gèrent. Parmi celles-ci, la mosquée « Dine Hoxha » située à Rruga Kavaja à Tirana est leur siège et leur centre principal. La LI organise la publication de collections de *ḥadīth*, de traductions albanaises du Coran et de livres imprimés ou numériques écrits par des juristes salafistes tels que Fahd 'AMMAR⁸ (2018 ; 2021). L'objectif principal de ces publications est d'établir un ensemble de règles pour guider le comportement quotidien des musulmans. Ces règles couvrent deux aspects : le premier concerne les obligations rituelles des musulmans (*'ibādah*), en premier lieu les cinq « piliers de l'islam » (*arkān al-islām*) ; le second concerne une série de pratiques qui doivent être suivies pour devenir des musulmans vertueux. Ces pratiques touchent divers aspects de la vie d'un musulman, notamment l'économie, la politique, la famille et la société en général. Elles sont cependant polarisées selon le binaire *ḥalāl* (« licite ») et *ḥarām* (« illicite »), distinguant ce qui est licite de ce qui ne l'est pas. Par exemple, le livre *Udhërrëfyesi i Islamit* [Le guide de l'islam] (2013) énonce une série de règles que le musulman doit suivre pour la *'ibādah*, mais aussi dans la vie quotidienne. D'autres ouvrages traitent de questions plus spécifiques, comme l'ouvrage en quatre volumes *Mësimi i Fesë Islame për fëmijë* [Enseigner la foi islamique à la famille] (2016), qui fournit des conseils sur la manière d'élever les enfants et sur les relations entre mari et femme.

LI organise également des cours plus ou moins formels à son siège de Rruga Kavaja à Tirana sur la lecture et l'interprétation du Coran, afin de donner à chaque musulman la possibilité d'interpréter lui-même les écritures. En outre, les dirigeants de LI diffusent personnellement leurs croyances et leurs enseignements sur internet, par l'intermédiaire des réseaux sociaux et d'un site web ou via les pages d'un magazine périodique, *Kibla* (en arabe *Ḳībla*),

7 Fatos Thanas Nano est un homme politique albanais. Plusieurs fois Premier ministre de l'Albanie, il a été le premier dirigeant et fondateur du Parti socialiste d'Albanie et membre du Parlement albanais de 1991 à 1993 et de 1997 à 2009.

8 Fahd 'Ammār est actuellement professeur de jurisprudence à la faculté de charia de l'université islamique Muḥammad ibn Sa'ūd de Riyad.

qui est publié sous forme numérique. Par ces canaux, les imams de LI s'expriment sur des sujets particuliers, émettant des *fatāwa* (« déclarations jurisprudentielles ») sous la forme d'articles de journaux, de vidéos sur YouTube ou de posts sur Facebook.

Un certain nombre de ces *fatāwa* invitent les fidèles à se dissocier de certaines pratiques associées au soufisme, comme le *nevruz*,⁹ le *matem*,¹⁰ les *ziyārat*¹¹ ou le *muhabet*¹² au cours duquel certaines communautés soufies boivent de l'alcool. La LI critique sévèrement ces pratiques, de sorte que tous les musulmans sont ouvertement invités à les éviter. Ces pratiques sont considérées comme *ḥarām* et donc contraires aux enseignements originaux et authentiques du Prophète, dont les imams de la LI prétendent être les gardiens. En octobre 2013, le LI a publié une note déclarant le *nevruz* comme illégal, car il s'agit d'une fête païenne, comme Halloween, et donc interdite, à éviter à tout prix. De même, ils condamnent fermement le jeûne de dix jours du *matem* pour commémorer le martyr de Ḥusayn à Karbalā', qui est considérée comme un vestige chiite qui a corrompu les Albanais. En fait, la LI est fortement opposée au chiisme, qui est considéré comme une aberration. Toute pratique qui peut sembler vaguement chiite – comme le *matem* ou le *nevruz* – est considérée comme blasphématoire et interdite par les membres de LI.

La LI se réfère directement et sans ambiguïté au Prophète en tant que modèle éthique et pieux, qui ne peut être médiatisée par d'autres moyens pieux. Toute forme de médiation ou d'intercession de la part d'autres personnages et de dispositifs pratiques particuliers est fortement interdite, car elle s'écarterait de la soumission pure et directe à Muhammad. Pour cette raison, la vénération des tombes des saints (*ziyārat*) est considérée comme *ḥarām*, tandis que les pratiques d'intercession et de vénération, telles que le *mevlud* (en arabe *mawlid*),¹³ sont également strictement interdites. Plusieurs articles démontrent le refus de célébrer le *mevlud* ou toute autre forme de vénération liée au Prophète, en dépit du fait qu'il existe en Albanie une ancienne tradition de *mevlud* dans la langue maternelle, ainsi qu'une forme d'art dans les chants associés (BRIA 2021). LI prétend que ses propres affirmations sont vraies et incontestables, puisqu'elles découlent directement du modèle de comportement parfait et incontestable établi par le Prophète. L'action de la LI est étroitement liée à la propagation de la version néo-salafiste de la foi islamique au sein de l'islam global. Ce type de foi semble répondre aux questions identitaires et ontologiques de certains Albanais qui redécouvrent leur foi islamique. Le plus souvent, leur démarche se situe en opposition à la culture albanaise

9 En Albanie, le Sultan Nevruz (persan *nōwruz*) est la fête annuelle organisée le 22 mars qui commémore l'anniversaire de 'Alī ibn Abī Ṭālib et, en même temps, l'avènement du printemps.

10 Le *matem* est le jeûne rituel pratiqué par les soufis albanais pendant les dix premiers jours du mois de Muḥarram pour commémorer le martyr Ḥusayn, le petit-fils du prophète Mahomet, tué à la bataille de Karbalā' (680). Ce jeûne est également célébré par d'autres musulmans dans le monde entier et peut être désigné sous d'autres noms, à savoir *āshūrā'* ou *Muḥarram*.

11 *Ziyāra* (pl. *ziyārāt*) est une visite pieuse, un pèlerinage à un lieu saint, une tombe ou un sanctuaire.

12 *Muhabet* signifie en albanais conversation et représente le moment, après la célébration du *dhikr* (« Célébration rituel du nom de Dieu »), où les soufis se réunissent pour converser. Certaines communautés albanaises soufies consomment rituellement du *rakī* (eau-de-vie) pendant le *muhabet*.

13 En Albanie, le *Mevlud* (arabe : *mawlid*) célèbre le jour de naissance du prophète Muḥammad qui tombe le 12 du mois lunaire de Rabī' al-āwwal'. Le *mevlud* est également un poème dévotionnel au Prophète.

considérée athéiste et consumériste, ainsi qu'à l'Occident, perçu comme une source de corruption. Ainsi, le modèle néo-salafiste de la LI a donné à ses adhérents un sens et une orientation morale spécifiques, ainsi qu'un sentiment d'identité collective dans un contexte national (l'Albanie), mais aussi mondial.

La Turquie et le néo-ottomanisme

Les relations entre la Turquie et l'Albanie remontent au début de la période postsocialiste. Par exemple, en 1991 et 1992, la Turquie a été le deuxième pays, après l'Italie, à envoyer davantage de ressources à l'Albanie. Ce soutien a ensuite été appuyé par un pacte entre les deux gouvernements, signé en 1992 à Ankara, sous l'égide de l'OTAN (SCIARRA 1996). Les relations entre les deux États ont connu un tournant à partir des années 2000, coïncidant avec des transformations dans la scène géopolitique, qui a vu l'Albanie se positionner sur l'axe atlantique, tout comme la Turquie. La menace croissante du terrorisme mondial a conduit le gouvernement albanais à préciser la teneur modérée des communautés musulmanes locales auprès de la communauté internationale. Cela a conduit à une prise de distance vis-à-vis du LI, au profit d'acteurs considérés comme modérés, tels que les acteurs turcs.

Dans le même temps, l'arrivée au gouvernement du parti AKP dirigé par Ergoğan a modifié la stratégie géopolitique de la Turquie, qui a entrepris de réévaluer sa présence régionale dans les Balkans ainsi qu'au Moyen-Orient (ÖKTEM 2010). Sous l'impulsion intellectuelle et politique du Davutoğlu et du Premier ministre Erdoğan, la Turquie s'est engagée dans une politique étrangère qualifiée de « néo-ottomane »¹⁴ (YAVUZ 2020). Cela a donné lieu à un engagement de la Turquie en Europe du Sud-Est dans les sphères culturelles, religieuses et gouvernementales (ÖZTÜRK 2021).

Les agences gouvernementales, proches du Premier ministre – *Diyanet*,¹⁵ TİKA¹⁶ – ont commencé à investir directement dans les domaines religieux. Ces agences se caractérisent

14 Le néo-ottomanisme de Davutoğlu et d'Erdoğan représente une idéologie nostalgique – avec de connotations émotionnelles – remontant à la splendeur impériale, visant à l'établissement d'un projet social et politique inclusif et transnational. Dans ce projet, l'islam représentait un catalyseur, ou du moins un facteur sur la base duquel la société et l'État pouvaient être réorganisés. Traduit en termes pratiques, le néo-ottomanisme envisageait un engagement du gouvernement turc, de l'État et même de la société civile dans un effort pour établir une position géopolitique hégémonique de la Turquie dans la région des Balkans, du Moyen-Orient et de l'Asie centrale. Les domaines d'intervention de ces politiques allaient de la sphère islamique (éducation, mosquées, soutien) à l'entrepreneuriat en passant par ce que l'on appelle le soft-power, c'est-à-dire l'exportation de produits culturels populaires (télévision, séries télévisées, films).

15 La Présidence des affaires religieuses (en turc : *Diyanet İşleri Başkanlığı*, ou simplement *Diyanet*), est une administration créée en 1924 par Atatürk. Sa fonction constitutionnelle était à l'origine d'exercer une supervision étatique sur les affaires religieuses en Turquie, afin de s'assurer que la religion ne remettait pas en cause l'identité laïque de la République turque. Cette fonction de la *Diyanet* semble avoir changé depuis l'arrivée au pouvoir du Parti de la justice et du développement (AKP) en 2002, devenant plutôt une fonction de promotion de l'islam sunnite hanafi, la confession majoritaire en Turquie, en prônant un mode de vie traditionnel à l'intérieur du pays et en promouvant l'islam turc à l'étranger.

16 L'Agence turque de coopération et de coordination (en turc : *Türk İşbirliği ve Koordinasyon İdaresi Başkanlığı*, TİKA) est un département gouvernemental subordonné au ministère turc de la Culture et du Tourisme. Axée sur la coopération au développement, la TİKA travaille dans plus de 150 pays. La TİKA est responsable de l'organisation de la majeure partie de l'aide publique au développement de la Turquie

par une organisation centralisée, qui réagit toutefois aux directives et aux orientations politiques du gouvernement turc. En 2010, par exemple, un accord a été signé entre la TIKA, la KMSH et le ministère albanais de la culture pour la reconstruction de toutes les mosquées ottomanes détruites pendant l'ère socialiste (ÖZTÜRK 2021). La TIKA a également soutenu la construction du principal bâtiment administratif de la KMSH à Tirana. La *Diyanet* a également participé à la construction de nouvelles mosquées et à la reconstruction de mosquées existantes, comme la Grande Mosquée de Tirana (*Xhamia e Madhe e Tiranës*), inaugurée en 2022 et considérée comme la plus grande des Balkans. Enfin, le ministre turc de l'éducation a offert des bourses d'études aux jeunes Albanais partis étudier dans les écoles et universités turques depuis les années 2000. Sans viser à la réislamisation des Balkans, ces démarches entendent néanmoins faire de l'islam un ancrage, ou plutôt un marqueur identitaire, auquel les communautés islamiques locales pourraient se rattacher (YAVUZ 2020).

Parallèlement aux agences gouvernementales turques, des organisations d'inspiration soufie basées en Turquie se sont également répandues en Albanie à partir du début des années 1990, agissant principalement dans le domaine de l'éducation. Il s'agit principalement des réseaux de Gülen¹⁷ (de son mouvement *Hizmet*) et de Süleymançılar, en référence à son fondateur éponyme, le Shaykh Naqshbandi, Süleyman Hilmi Tunahan (m. 1959). Moins centralisées que le *Diyanet* ou la TIKA, ces organisations constituaient des réseaux qui répondaient néanmoins à une logique organisatrice typiquement transfrontalière, puisqu'elles englobaient divers pays des Balkans et au-delà. Ils réagissent cependant à la même évolution néo-ottomane que le gouvernement turc, avec lequel ils entretiennent des relations de partenariat, du moins dans une certaine mesure. Les réseaux de Gülen opèrent en Albanie par le biais de deux organisations, la première étant la Fondation Sema (*Fondacioni Sema*), et la seconde la Établissements d'enseignement Turgut Özal (*Turgut Özal Istitucionet Arsimore*).

Par le biais de la Fondation Sema (*Fondacioni Sema*), les réseaux de Gülen ont commencé à financer des cours et des bourses pour les jeunes Albanais en 1993. Progressivement, la Fondation a pris en charge la gestion des madrasas albanaises appartenant à la KMSH, remplaçant des fondations arabes, comme dans le cas de la madrasa de Kavaja. Au milieu des années 2010, la Fondation Sema gérait 6 des 7 madrasas actives en Albanie : Tirana, Korça, Berat, Kavaja, Durrës, Elbasan. Dans ces madrasas, des programmes d'enseignement essentiellement laïques étaient proposés, auxquels s'ajoutaient des cours de sciences islamiques classiques (pas plus de 15% de l'enseignement total selon une lettre ministérielle), comme l'exégèse coranique. Sema a également dirigé l'université Bedër, appartient à la KMSH, qui proposait des formations diplômantes en droit, en économie, en informatique, en sciences de l'éducation et, enfin, en études islamiques (la seule dans toute l'Albanie). Le personnel enseignant de la Bedër est essentiellement albanais, bien qu'il y ait quelques professeurs turcs.

aux pays en développement, avec un accent particulier sur les pays et les communautés turques et africaines.

17 Fethullah Gülen est un prédicateur et politologue turc (auteur de plus de 60 ouvrages), spécialiste de l'islam et chef du mouvement Gülen, plus connu sous le nom de *Hizmet* (« le service »). Il a fondé un réseau d'écoles principalement en Turquie mais aussi dans d'autres pays. Sur Gülen et le mouvement *Hizmet* voir PANDYA & GALLAGHER 2012, HENDRICK 2013 et TEE 2016.

L'établissements Turgut Özal, quant à lui, dirige des écoles laïques et primaires, deux à Tirana, une à Durrës et enfin l'université EPOKA, qui propose des cours de droit, d'architecture et d'économie.

La madrasa de Shkodra est administrée par la Société Istanbul (*Shoqata Istanbul*), géré par les réseaux Süleymançilar, considérées comme très proche de l'AKP. Dans cette madrasa aussi, les enseignements sont laïques, avec l'inclusion de quelques cours de sciences islamiques. Ces institutions sont principalement fréquentées par l'élite musulmane albanaise, qui cherche à donner à ses enfants à la fois une éducation et une éthique solides, à savoir l'éthique islamique.

Ce cadrage, qui prévalait au milieu des années 2010, a changé en 2016 lorsque Erdoğan a désigné Fetullah Gülen comme l'un des responsables de la tentative de coup d'État qui a échoué en Turquie. Le gouvernement turc a demandé au gouvernement albanais de prendre ses distances avec les fondations de Gülen. KMSH, en tant que propriétaire des madrasas albanaises, a été invitée à couper les liens avec les réseaux de Gülen. Cela a provoqué des tensions internes au sein du gouvernement albanais et de la communauté islamique albanaise, où une certaine ambiguïté subsiste. En effet, le gouvernement albanais entretient des strictes relations diplomatiques et financières avec le gouvernement turc qui demandant une réduction des réseaux de Gülen, mais malgré les invitations d'Erdoğan, la KMSH reste un partenaire de la Fondation SEMA, en raison des excellentes relations qui existent entre leurs membres. Par exemple, plusieurs membres éminents des communautés islamiques albanaises ont travaillé ou travaillent encore au sein des institutions éducatives de Gülen, tandis que beaucoup y ont étudié. Toutefois, l'influence géopolitique du gouvernement turc, qui a notamment financé la construction de la plus grande mosquée des Balkans à Tirana, a conduit à une réduction partielle de la présence de Gülen. En effet, seules deux madrasas sont encore dirigées par la Fondation SEMA, à Tirana et à Elbasan. La madrasa de Durrës est gérée par une fondation qatarienne, tandis que celle de Shkodra reste sous la direction de la Société Istanbul. Les autres madrasas sont fermées, officiellement par manque d'étudiants, bien que les écoles liées à l'établissements Turgut Özal sont toujours ouvertes. Alors que l'université de Bedër n'est plus gérée par la fondation Sema, plusieurs professeurs turcs ont été remplacés par des Albanais. L'université est désormais gérée par la Fondation Hafiz Ali Korça (*Fondationi Hafiz Ali Korça*), qui appartient à la KMSH.

Profondément ancrée dans la gouvernance étatique albanaise, la KMSH a souvent adopté une approche adaptative vis-à-vis des orientations géopolitiques du gouvernement albanais. Une approche « accommodationniste » (ENDRESEN 2015), notamment, vis-à-vis des positions pro-européennes et atlantistes du gouvernement : la KMSH était porteuse d'un islam européen et modéré, donc religieusement tolérant et non fanatique, selon la supposée tradition œcuménique albanaise. Cette approche a conduit la KMSH à prendre à plusieurs reprises ses distances avec l'islam considéré comme fanatique, en réduisant ses collaborations avec les fondations saoudiennes et qatariennes depuis les années 2000.

Cependant, dans le cas de la gestion de l'affaire Gülen-Turquie, la KMSH semble s'écarter partiellement de cette dynamique. Si la KMSH a réduit sa collaboration avec les fondations de Gülen, elle a désormais cessé ses relations avec les agences gouvernementales turques. Cela démontre une certaine capacité de résistance, ou plutôt une stratégie de négociation, par rapport au gouvernement albanais qui, lui, entretient des relations étroites avec la Turquie d'Erdoğan, l'un des partenaires économiques et géopolitiques les plus importants pour l'Albanie. Cependant, les fondations de Gülen et le gouvernement turc visent tous deux

à agir dans le domaine de l'éducation islamique afin de déployer leurs réseaux en Albanie. L'éducation est un domaine fondamental pour orienter la formation morale des jeunes Albanais, qui, dans le cas de ces deux acteurs, suit deux voies similaires, bien que différentes. La Turquie d'Erdoğan entend rétablir l'hégémonie culturelle, mais aussi politique, de la Turquie dans le cadre de stratégies de néo-ottomanisation. Les fondations Gülen visent à diffuser leur version militante et « modérée » de la morale islamique en guise de contrepoids à la propagation du radicalisme islamique. En raison des conflits politiques au sein de la Turquie, les stratégies de ces acteurs sont devenues très divergentes. Des pays étrangers, tels que l'Albanie, sont devenus le théâtre de ce conflit, qui n'est pas nécessairement résolu en faveur de l'un ou de l'autre. Dans ce cas, le lien entre la mondialisation et l'islam rapproche les différentes parties du monde, en l'occurrence la Turquie et l'Albanie : les dynamiques turques internes se répercutent en Albanie. Réseaux, trajectoires et stratégies au sein de l'islam global, qui établissent diverses réactions et répercussions, telles que la fermeture de plusieurs madrasas albanaises.

Les réseaux iraniens et le MEK

Depuis les années 1990, l'Iran a tenté de mettre en place un certain nombre d'associations et de fondations à but non lucratif en Albanie. L'objectif principal de l'Iran était d'étendre son influence géopolitique et économique à l'Europe continentale : l'Albanie, tout comme la Bosnie (KARCIC 2010), représentait donc un pôle important pour les mollahs iraniens. Contrairement au cas de la Bosnie, où le soutien dans un premier temps a été militaire, la République iranienne a toujours maintenu et continue de maintenir un profil bas en Albanie, orientant son action vers l'intensification des relations culturelles et académiques. Cette stratégie de *soft power* vise à maximiser la pénétration dans la société albanaise par le biais d'organisations et d'associations culturelles servant de véhicule organisationnel aux Pasdarans et au ministère des Renseignements (PROGONATI 2016, 2017). Ces organisations et associations agissent comme des satellites de la République Islamique d'Iran et opèrent principalement dans trois domaines, à savoir l'éducation, l'édition et la religion. Tous ces groupes et organisations pro-iraniens sont rattachés à la fondation *Saadi Shirazi*, fondée en Albanie en 1995, qui gère et supervise les entreprises culturelles emplantées (BRIA 2019). Cette fondation, qui porte le nom du célèbre poète iranien Sa'di de Shirāz, ou Shirāzi (m. 1292), a été créée en Albanie pour promouvoir la connaissance de la culture persane. En 2012, cette fondation a été rattachée à la Fondation Saadi, une fondation iranienne internationale visant à diffuser la connaissance de la langue persane dans le monde.

Dans le domaine de l'éducation, le gouvernement iranien a essayé de créer différentes écoles et universités directement connectées à la fondation *Saadi Shirazi*. Le *Kolejji Saadi* est un établissement d'enseignement primaire et secondaire qui a été fondé au début des années 2000 et est situé à Tirana. Dans le domaine éditorial, l'Iran a créé un réseau de fondations qui s'occupent de publications diverses. La fondation *Saadi Shirazi* s'occupe principalement de la publication de « Perla », une revue consacrée aux relations historiques, culturelles et sociales entre l'Iran et l'Albanie. Les réseaux iraniens ont créé aussi la *Fondacioni Rumi* qui s'occupe de la publication d'ouvrages consacrés à des sujets religieux et théologiques. La *Shoqata Flladi* (« Société Brise »), très active sur les réseaux sociaux, a publié un

recueil de commentaires coraniques et des traductions de livres d'érudits musulmans contemporains chiites comme Ḥasan Naṣr Allāh, le secrétaire de Hizb Allāh en Liban, et le Āyatollāh Khomeynī (m. 1989). Ces ouvrages étaient orientés vers le chiisme. Enfin, il y a aussi une maison d'édition, l'IRALB – combinaison des premières syllabes des mots Iran et Albanie – active pendant les années 1990, qui s'est occupée surtout de la parution d'œuvres mineures d'auteurs albanais qui gravitaient autour du domaine Bektāshi ou soufi.

Le 11 avril 1994, la maison d'édition IRALB a publié les actes de la « Conférence Aleviane nationale » (*Konferenca Kombëtare Aleviane*) organisée par Shaykh Muamer, le chef du centre Khalwati de Tirana, pour fédérer toutes les confréries soufies dans une seule organisation, le « Congrès Aleviane » (*Kongres Aleviane*), qui a été inauguré en septembre 1994 (LAKSHMAN-LEPAIN 2001). L'adjectif *aleviane* a été employé pour souligner le rattachement à 'Alī ibn 'Abī Tālib, qui est fortement vénéré par les communautés albanaises soufies. Ce projet visait à accompagner (voire à gérer) la reconstruction du culte soufi en Albanie en impliquant plusieurs Shaykhs appartenant à de différentes confréries. Le statut du « Congrès Aleviane », qui a fixé ses règles, a été également publié par l'IRALB. Cette initiative n'a jamais atteint son objectif en raison de tensions internes sur la répartition des rôles et des hiérarchies au sein de l'organisation.

L'ambassade iranienne a cherché parallèlement d'établir de formes de collaboration avec diverses confréries soufies. La première est le Rifā'iyya de Tirana dirigée par le Shaykh Qemaliduin Reka, le petit-fils du célèbre Shaykh Mustafa Reka (POPOVIC 1993). En 2014, l'ambassadeur iranien et sa délégation ont participé à la célébration de la *āshūrā* dans une autre *tekke*,¹⁸ celle de Shaykh Rustemi de la Khalwatiyya de Dürres.

La communauté Bektāshi a établi plusieurs lignes de coopération avec l'ambassade iranienne. Les membres de l'ambassade iranienne participent aux différents événements organisés par les Bektāshi comme le *nevruz* et le *matem* (BRIA 2020). Toutefois, la Communauté Bektāshi a toujours maintenu son autonomie idéologique et organisationnelle. À travers leurs actions de communication, les dirigeants Bektāshi ont cherché à se distancer publiquement de l'islam radical et fondamentaliste, y compris celui de l'Iran, pour souligner leur identité progressiste et démocratique (CLAYER 2006).

Cependant, au début des années 2010, l'évolution des arrangements géopolitiques au Moyen-Orient et une série de mesures prises par les États-Unis ont modifié la position de l'Iran en Albanie de manière décisive. Les premiers signes du déclin des relations déjà faibles entre l'Iran et le gouvernement albanais sont apparus en 2012, lorsqu'Israël – notoirement opposé à l'Iran – a ouvert sa mission diplomatique à Tirana. Un an plus tard, en 2013, a eu lieu le principal événement qui a modifié l'ordre diplomatique et politique jusqu'alors en vigueur en Albanie : l'arrivée en terre albanaise de 210 membres du groupe de Moudjahidines du peuple iranien (*Mojāhedīn-e Khalq* – MEK) en tant que réfugiés reconnus par le « Haut-Commissariat des Nations Unies pour les Réfugiés » (HCR), grâce à l'accord que le premier ministre à

18 Le *tekke* (en arabe *khānqāh* ; en albanais *teqe*) est l'établissement où vivent ensemble les membres des confréries religieuses musulmanes. Parfois, le terme *tekke* est utilisé pour indiquer une communauté soufie spécifique.

l'époque, Sali Berisha,¹⁹ a signé avec les États-Unis, l'ONU et les MEK. Bien qu'ils aient participé à la révolution de 1979, les moudjahidines sont interdits en République islamique d'Iran, où ils sont considérés comme l'un des principaux opposants au régime. Sous la direction de Masoud Rajavi et plus tard de sa femme Maryam, ils ont trouvé asile dans l'Iraq de Saddām Ḥusayn (m. 2006), dans un camp appelé Ashraf, tandis que leur quartier général était établi à Paris. Après l'invasion américaine de l'Iraq en 2003, le MEK a réussi, après une période initiale de méfiance, à normaliser ses relations avec le contingent américain (COHEN 2009, 2013, 2018). Cependant, leur camp a été attaqué à plusieurs reprises, ce qui a motivé les États-Unis, avec la médiation de l'ONU, à trouver un refuge plus sécurisé, l'Albanie.

Le nombre de membres des MEK arrivant en Albanie a continué d'augmenter jusqu'en août 2016. Un an plus tard, en 2017, les dirigeants des moudjahidines, avec le soutien de l'ambassade américaine et du gouvernement albanais, ont décidé d'établir leur nouveau siège en Albanie à Manës, près de Durrës. Ils y ont construit un ensemble composé de bâtiments et d'espaces ouverts, appelé Ashraf III.

L'ambassade iranienne a protesté contre l'implantation des MEK, essayant de les discréditer par une propagande agressive les qualifiant de terroristes. Toutefois, l'Iran, bien que conscient de la connivence des Albanais avec les manœuvres géopolitiques américaines, n'a jamais attaqué directement le gouvernement albanais. La rupture de rapport diplomatiques entre Iran et Albanie a eu lieu le 20 décembre 2018, lorsque le Premier ministre albanais actuel Edi Rama a décidé d'expulser l'ambassadeur iranien Gholam Hossein Mohammadnia et son collaborateur comme *persona non gratae*, en raison des activités terroristes qu'ils auraient menées dans le territoire albanais contre les MEK. Selon des sources albanaises, l'Iran aurait planifié une attaque lors du match Albanie-Israël de 2016. Cependant, le gouvernement à Tirana n'a jamais précisé quelles activités terroristes auraient été conduites par l'Ambassadeur iranien. La position presque hostile du gouvernement albanais envers l'Iran a été confirmée par un autre événement en mars 2019, lorsque deux journalistes iraniens invités par le chef Bektāshi Baba Mondī, ont été expulsés du pays pendant la célébration du *nevruz* au siège de la communauté Bektāshi à Tirana.

L'ambassade iranienne a dénoncé la pression des États-Unis sur le gouvernement albanais et l'action terroriste des MEK. Le poids de la présence iranienne sur le territoire albanais est maintenant fortement réduit. Cette crise a culminé le 7 septembre 2022, lorsque le Premier ministre Rama a demandé à tous les membres de l'ambassade iranienne de quitter le pays dans les 24 heures. Cette décision aurait été motivée par une attaque de pirates informatiques dont l'origine remonterait à la République iranienne. Depuis lors, les relations entre les deux pays, qui remontent à la période communiste, ont cessé. Comme dans le cas turc, on constate que la présence d'acteurs musulmans sur le territoire albanais est profondément liée aux stratégies géopolitiques et diplomatiques du gouvernement albanais. Alignés sur l'axe euro-atlantique, les différents gouvernements albanais ont décidé de démanteler complètement les réseaux iraniens en Albanie lorsqu'ils ont décidé de faire profil bas. Cependant, les principaux interlocuteurs de l'ambassade iranienne – en premier lieu les communautés Bektāshi et

19 Il faut préciser que le gouvernement albanais avait déjà accueillait des réfugiés des États-Unis : en 2006, Tirana a accepté onze réfugiés de Guantanamo, dont six étaient musulmans chinois 'Hui' et cinq étaient djihadistes.

soufi – n’ont pas exprimé de griefs particuliers à l’égard de la position du gouvernement, voir par désintérêt, voir probablement par soumission aux politiques gouvernementale.

Sur le plan religieux, cela a conduit à une réduction de la promotion de la tradition chiite en Albanie. Avec l’ambassade, le réseau d’associations sur le territoire a également été presque disparu, et les canaux de collaboration avec les soufis et les Bektāshis ont cessé. En conséquence, diverses communautés soufies recherchent une interaction plus intense avec la KMSH afin de se placer pleinement sous l’égide du sunnisme. Certains shaykhs soufis, comme Qemaludin Reka de la Rifā‘iyya de Tirana, célèbrent publiquement des rituels tels que le *Bajrami i Madh* (*ʿīd al-fīṭr*), contrairement au passé lorsqu’ils célébraient le *matem* et le *nevruz* avec des délégués de l’ambassade iranienne. D’une certaine manière, nous assistons un revirement vers le sunnisme de certaines communautés soufies qui, en quête de légitimité et de reconnaissance publique, se rapprochent du sunnisme étatique de la KMSH. Pour la communauté Bektāshi, par ailleurs, le retrait des réseaux iraniens n’a pas eu de conséquences particulières, car ses membres ont toujours préservé leur autonomie tout en collaborant avec l’ambassade iranienne et ses relais. Elle continue à promouvoir sa singularité en tant que voie indépendante et autonome, qui intègre mais en même temps ignore les différentes âmes de l’islam, y compris le chiisme, mais aussi le christianisme, comme nous le verrons dans la section suivante. En Albanie, l’Iran et ses associations et fondations affiliées se sont révélés être un acteur extrêmement dynamique. Il a profité des opportunités offertes par la mondialisation pour établir des relations culturelles et religieuses avec les communautés soufies albanaises. En ce sens, il s’est avéré être un acteur de l’islam global en essayant de réadapter la piété alide présente dans le contexte soufi albanais avec des éléments typiquement chiïtes. Cette tentative s’est toutefois heurtée aux obstacles de la politique américaine qui visait, dans une perspective géopolitique plus large, à effacer la présence iranienne en Albanie.

La marginalité sufi et la monopolisation Bektāshi

Les communautés albanaises vivant à l’extérieur de l’Albanie ont été parmi les premières à intervenir dans la reconstruction islamique. Il s’agit notamment des communautés musulmanes albanaises du Kosovo, de Macédoine et du Monténégro, ainsi que des diasporas aux États-Unis et en Europe. Ces communautés ont agi sur la base d’une fraternité pan-albanaise, aspirant parfois à la création d’une « Grande Albanie », qui réunirait tous les peuples albanais en une seule nation (JUDAH 2001 ; KOLA 2003 ; HILAJ 2013). Bien entendu, le rôle de ces communautés a changé selon des différents scénarios.

Les communautés musulmanes kosovares ont été parmi les premières à intervenir pour soutenir leurs « frères albanais », lorsque dans l’ex-Yougoslavie, ils n’ont pas subi les mêmes politiques antireligieuses et d’athlétisation qu’en Albanie. Donc, ils étaient dans la condition de pouvoir supporter la reformation de nouveaux cadres musulmans. La KMSH a reçu le soutien d’imams qui officiaient dans les mosquées nouvellement ouvertes ou de professeurs qui enseignaient les sciences islamiques dans les madrasas (SCIARRA 1996). Cette coopération, qui a duré jusqu’à la seconde moitié des années 1990, s’est également traduite par la célébration d’événements communs, comme le *mevlud*, célébré conjointement par les communautés islamiques du Kosovo et d’Albanie à Prizren en 1995 et à Shkodra en 1996 (BRIA 2022).

Mais c'est surtout dans le domaine soufi que l'intervention kosovare a été la plus intégrée. Plusieurs descendants de familles soufies albanaises ont été formés par des maîtres kosovars (BRIA 2019). Par exemple, Qemaludin Reka, Shaykh Rifā'i de Tirana, était un disciple de Xhemali de Prizren. Ali Pazari, Shaykh de la Khalwatiyya de Tirana, a reçu son diplôme de Prizren (SCIARRA 1996). Des collaborations existent également avec les communautés soufies du Monténégro. Par exemple, en 2015, lors de la cérémonie d'investiture d'un nouveau Shaykh dans la *tekke* Rifā'i de Tirana, un maître soufi de Ulqin, au Monténégro, a également participé à la cérémonie. Ces liens finissent par créer un véritable réseau transnational qui atteint parfois même l'Europe et l'Italie. En 2023, une délégation de disciples soufis de la Rifā'iyya de Tirana a participé à l'investiture de deux nouveaux Shaykhs à Pise. Des maîtres soufis de Bosnie et de Macédoine ont également participé à cette cérémonie.

Ces ne sont pas les seuls réseaux soufis qui partent ou passent par l'Albanie. Au lendemain de la guerre syrienne, plusieurs Shaykh ont quitté ou traversé l'Albanie, de manière plus ou moins permanente ou temporaire (BRIA 2021). En 2015, la communauté Rifā'i de Tropoja a accueilli un Shaykh syrien de la Sa'diyya, célébré comme un « grand maître ». Au même moment, un Shaykh Rifā'i syrien a établi une communauté soufie près de Durrës, appelée *Shames al-kolob* (« Le soleil des cœurs »). Considéré comme un descendant du Prophète, ce maître a rapidement rassemblé des adeptes qui ont reconnu en lui une version plus authentique du soufisme.

L'idée assez répandue parmi les communiâtes soufis albanaises est que le Moyen-Orient est le lieu du véritable islam, tandis que les Balkans sont celui d'une version corrompue et inférieure (BRIA 2019). Ce même idéal conduit les maîtres et les disciples soufis albanais à visiter les lieux de culte soufis en Turquie et en Iran. Par exemple, en 2014, le Shaykh Khalwati de Durrës, Rustemi et son fils Saimiri, se sont rendus en Turquie pendant plusieurs semaines pour visiter des mausolées soufis et des *tekke* entre Istanbul, Bursa et Konya. La même année, Qemaludin et certains de ses disciples se sont rendus à Qom puis à Karbalā' pour visiter des sites liés au culte des *ahl al-bayt*.²⁰

La référence constante au Moyen-Orient en tant qu'espace de l'islam véritable et originel répond à une série d'imaginaires et de discours qui impliquent une tension au sein de la communauté soufie albanaise. Ils sont principalement transmis et reproduits à l'échelle mondiale, en particulier par le biais des médias en ligne. Ils impliquent la formation d'une *oumma* virtuelle, c'est-à-dire d'un espace virtuel au sein duquel des messages hautement standardisés circulent afin d'atteindre le plus grand nombre possible de gens. Les musulmans, de plus en plus individualisés et autonomes, utilisent cet espace pour construire leur foi à la carte. Cela entraîne une critique des autorités traditionnelles, qui sont souvent remises en question. Cependant, le centre de cet islam virtuel est le monde arabe, en particulier la péninsule arabique considérée comme le lieu légitime du véritable islam. Il s'ensuit que le reste est considéré comme périphérique, donc moins authentique.

Cela comprend une délégitimation des communautés soufies albanaises, qui ont souffert plus que d'autres des effets de la sécularisation socialiste. Souvent considérées comme un

20 Littéralement « les gens de la maison ». En Albanie, il désigne les membres de la famille du Prophète, qui comprend 'Alī, Ḥusayn, Ḥasan, Fāṭima et les douze imām du chiisme imamite.

héritage archaïque du passé, ou pratiquement inconnues de la plupart des gens, ces communautés sont pratiquement marginalisées dans l'arène islamique. Cette situation est aggravée par la critique salafiste (mentionnée plus haut), mais aussi par la normalisation croissante dans la oumma virtuelle, qui conduit à considérer certaines pratiques et certains rituels comme des distorsions de l'islam véritable. Osman, le Shaykh syrien installé à Durrës, considère les célébrations du *matem* ou du *nevruz* comme des infiltrations du chiisme dans le soufisme balkanique, qui doivent donc nécessairement être corrigées, et cette pensée est partagée par ses disciples.

La marginalisation des communautés soufies entraîne cependant en marge une dynamique impliquant la communauté Bektāshi,²¹ qui vise à représenter, voire à monopoliser, l'héritage mystique albanais. Après la chute du régime, les dirigeants Bektāshis ont décidé de reconstruire le culte en premier lieu autour la mémoire de sa propre communauté. De nombreux sites Bektāshi ont été rouverts et reconstruits, et les grands pèlerinages Bektāshi, comme celui du Mont Tomorr (*Mali i Tomorrit*) qui a lieu chaque année en août, ont été repris et réorganisés (CLAYER 2017). Les anciens *tekke* Bektāshi ont été rouverts et ceux qui avaient été détruits ont été reconstruits dans la mesure du possible. Baba Rexheb,²² qui avait émigré en Grèce, en Italie et aux États-Unis (TRIX 2009), est revenu pour former les nouveaux chefs de communauté.

21 Traitée administrativement comme une *ṭarīqa* (« ordre soufi »), la Bektāshiyya était l'un des ordres soufis les plus puissants et les plus influents de l'Empire ottoman (KARAKAYA-STUMP 2022), en raison de ses liens avec les Janissaires qui avaient pour protecteur le saint épitomé Bektāshi, Ḥājji Bektāshi Veli (m. 1271) (BIRGE 1937 ; FAROQHI 1993 ; MELIKOFF 1998 ; YILDIRIM 2020). Les origines de l'ordre sont cependant tout aussi floues : comme d'autres, il s'est développé dans le contexte dynamique de l'Asie centrale et de l'Anatolie de la période post-mongole. L'ordre Bektāshi doit une partie de son succès à l'œuvre unificatrice de son second *Pīr* (« fondateur »), à savoir Balim Sultan (m. 1519) (YILDIRIM 2020). En 1826, alors que les Janissaires et indirectement les Bektāshis sont accusés d'être parmi les principaux facteurs du retard culturel, politique et matériel de l'empire, le sultan Memhed II dissout l'ordre des Janissaires et bannit les Bektāshis de l'empire. Beaucoup de ces derniers sont incorporés par d'autres *ṭuruq*, comme la Naqshbandiyya. D'autres ont tenté clandestinement de maintenir la tradition Bektāshi en vie par le biais de publications, qui ont ensuite été interdites dans l'Empire. La Bektāshiyya a connu un renouveau particulier parmi les Albanais lorsqu'elle a épousé leur cause d'émancipation. Plusieurs Bektāshis ont participé au mouvement d'émancipation albanais de diverses manières (CLAYER 1995). Les auteurs d'origine Bektāshi, tels que les frères Abdyl, Naim et Sami Frashëri, ont participé directement aux mouvements intellectuels qui ont fourni les bases culturelles de l'émancipation albanaise. L'implication dans le mouvement d'indépendance albanais a permis aux Bektāshis de participer plus tard au conseil de régence, dont les catholiques, les orthodoxes et les musulmans sunnites étaient également les présidents. En effet, la Bektāshiyya a été reconnue comme une communauté religieuse indépendante, établissant ainsi son indépendance par rapport à l'Hacibektash siégé en Turquie, qui avait entre-temps été fermée par le décret de bannissement de Mustafa Kemal. En 1929, alors que le roi Zog cherche à rationaliser l'appareil administratif et à institutionnaliser les relations entre politique et religion, la Bektāshiyya devient de facto une communauté religieuse structurée de manière autonome, le « Bektāshisme ». Divers congrès et les statuts qui en découlent officialisent à la fois la vocation nationaliste de la Bektāshiyya, essentiellement indépendante, qui devient alors le Bektāshisme (CLAYER 1995).

22 Rexheb Beqiri (1901 -1995), plus connu sous le nom religieux de Baba Rexheb, était un érudit islamique et soufi albanais. Il était le fondateur et le chef de la *teqe* Bektāshi située à Taylor, dans le Michigan, aux États-Unis. Pendant la période communiste, cette loge représentait le véritable siège des Bektāshi albanais, alors que Rexheb s'efforçait de faire perdurer la tradition Bektāshi. Voir TRIX 2009.

Cette reconstruction s'est également accompagnée d'une restructuration doctrinale et organisationnelle (Mentor 2015). La structure hiérarchique interne a été réorganisée par divers congrès ; lors du 5^e congrès, un nouveau statut a été adopté qui sanctionnait le nouveau cadre théologique, spirituel et social du Bektāshisme. Il traçait les grandes lignes d'un Bektāshisme progressiste, humaniste, œcuménique et nationaliste, qui représenterait une troisième voie entre le christianisme et l'islam fondée sur la diffusion d'un mysticisme et d'une spiritualité tolérantes. Les dirigeants ont parfois souligné le caractère tolérant du Bektāshisme en plaçant l'Islam local et national au-dessus de l'Islam étranger, considéré comme fondamentaliste (CLAYER 2009). Les Bektāshis affirment intégrer les différentes cultures de l'Islam, y compris la tradition chiite, mais sans tenir compte de ses divisions qu'ils considèrent comme inutiles et néfastes. En ce sens, le Bektāshisme a été étiqueté comme un Islam alternatif approprié, plus proche du mode de vie « occidental » et respectant la démocratie, la liberté et le libéralisme.

Des éléments doctrinaux Bektāshi traditionnels ont été réaffirmés, tels que le culte de 'Alī, la vénération de la famille du Prophète (*ahl al-bayt*) et les célébrations du *nevruz* et du *matem*, bien qu'ils aient été réinterprétés de manière parfois nationaliste et progressiste. Cette évolution s'est également traduite par un changement du mode de narration, plus proche d'un document politique qu'autre chose : des messages tels que l'œcuménisme de la nation, la coexistence pacifique et la fraternité interconfessionnelle au nom de l'appartenance nationale commune sont devenus un modèle de discours Bektāshi officiel (BRIA 2022). Aux discours nationalistes et œcuméniques s'est ajouté un autre discours plutôt rationaliste et scientifique qui est souvent évoqué lors de festivités comme le *nevruz* ou lors des symposiums académiques que la communauté organise. Des chercheurs, parfois internationaux, sont invités à des congrès où des thèmes liés au Bektāshisme sont abordés afin de sublimer les discours officiels, tels que les origines historiques du Bektāshisme ou la tolérance interconfessionnelle et les Bektāshi. Il s'agit d'événements où l'écriture religieuse se mêle à l'écriture scientifique, en présence de professeurs d'université, d'intellectuels et de babas Bektāshis. Lors de certains de ces événements, des rituels spirituels sont également organisés pour clôturer les séances (CLAYER 2006). L'objectif est de légitimer la communauté aux yeux de la société albanaise, en utilisant un style d'écriture scientifique auquel elle peut être plus réceptive. La raison en est principalement l'héritage socialiste et la pérennité de programmes éducatifs où prévaut une vision laïque, voire positiviste. Mais ce récit vise aussi à mettre en valeur certains traits de la tradition Bektāshi, comme le panthéisme, la métempsycose et la rhétorique du martyr, qui semblent intéresser les Albanais. Ces discours visaient également à évoquer une sorte de religiosité primordiale, presque païenne, que tous les Albanais partageraient et dont les Bektāshi seraient l'expression. Ce type de discours, qui semblerait intellectuel de manière contre-intuitive, est pourtant assez courant parmi les Albanais en raison de la capacité des Bektāshis à le diffuser par le biais de divers médias. Internet et les réseaux sociaux virtuels sont souvent utilisés pour présenter l'image du Bektāshisme comme un culte nationaliste, progressiste et œcuménique.

Cette mise à jour doctrinale a parfois été associée à une forme de religiosité du new-age, qui retravaille certaines croyances Bektāshi avec l'ufologie, la métempsycose, ainsi qu'avec la psychologie, l'astrologie et la biologie. Cela a impliqué une production littéraire riche d'auteurs qui, à leur manière, ont proposé leur propre vision néo-Bektāshi. Parmi eux, Moikom ZEKO (2001), qui dans son livre *Syri i tretë* (« Le Troisième Œil ») propose une apologie

singulière du Bektāshisme, le décrivant comme un œcuménisme universel : un équilibre global entre le bouddhisme, le christianisme, l'hindouisme, le panthéisme Bektāshi, le chiisme et l'islam sunnite. Xhevahir Dedej, s'inspire du Bektāshisme dans son livre *Sekretet e Shpirtit* (« Les secrets de l'esprit »), affirmant que son but est d'initier les lecteurs aux mystères de l'univers. L'un des piliers de sa vision du monde est que l'âme humaine est constituée d'énergie, et ses idées mystérieuses comprennent la révélation que l'humanité a échoué parce qu'elle a divisé la religion en différentes catégories (DEDEJ 2014: 45). Il affirme que « l'Albanie est un pays où les anges ont toujours vécu » (DEDEJ 2014: 245) et croit que les Albanais sont le peuple élu et qu'il est lui-même un prophète élu qui a hérité de sa prophétie à travers une chaîne d'imams. Un autre exemple est le livre de Përparim ZAIMI (2011), *Zgjidhja e një misteri* (« La solution d'un mystère »). Pour Zaimi, le Bektāshisme sous sa forme albanaise est l'ancienne religion elle-même, primordiale.

Conclusions

Comme nous l'avons vu dans ces pages, la fin du communisme a sanctionné l'ouverture des communautés albanaises au monde, ce qui a pourtant également permis à une série d'acteurs de s'impliquer activement en faveur de la reconstruction de l'islam albanais. Cela a entraîné une pluralisation au sein d'une arène qui est parfois devenue très compétitive, mais cela représente aussi un signe avant-coureur de nouveaux canaux de communication et d'espaces de légitimation. En ce sens, la réislamisation de l'Albanie s'est déroulée dans un contexte mondialisé, dans lequel divers acteurs – Iran, réseaux néo-salafistes, divers réseaux turcs – ont tenté d'apporter leur propre version de l'Islam. Le recoupement de ces différents discours peut donner lieu parfois à des débats doctrinaux sur les pratiques correctes, auquel chacun de ces acteurs participe à sa manière. En ce sens, les musulmans albanais sont pleinement intégrés dans l'islam global. En effet, il est possible de détecter les actions stratégiques d'acteurs tels que les organisations wahabites saoudiennes, les réseaux pieux et éducatifs turcs, et enfin le rayonnement culturel de l'Iran. Chacun de ces acteurs agit de manière hautement compétitive pour répandre sa version de la foi islamique en Albanie, qui est considérée comme un champ vert à réislamiser. Tandis que la culture et la foi islamiques albanaises sont considérées comme pas vraiment authentiques. L'idée que le communisme, tout comme la marginalité de l'Albanie par rapport à certains foyers de l'islam, fait des musulmans albanais les moins authentiques et les moins pieux. Cette idée a été reprise par certains musulmans albanais qui considèrent le contexte arabe et turc comme la véritable patrie de l'islam.

Cependant, ces dynamiques ne semblent pas avoir une portée publique spécifique, mais se limite à ceux qui s'y intéressent particulièrement. En fait, il est très rare que les questions religieuses entrent directement dans le débat public, car la sphère publique en Albanie est dominée par un cadre institutionnelle laïque qui, de fait, vise à considérer la religion comme une affaire privée. Cela est dû en premier lieu au discours séculier du nationalisme albanais, selon lequel la religion est secondaire par rapport à la nation. Deuxièmement, la sécularisation socialiste a entraîné une forte méfiance ou une indifférence à l'égard de la religion chez de nombreux Albanais. Ces deux aspects se traduisent par une domination substantielle du laïcisme sur la religion, par la primauté de la science et par l'exclusion de la religion de la

sphère publique. La plupart des autorités religieuses, y compris les autorités islamiques, sont domestiquées et contrôlées par les institutions gouvernementales.

Le seul discours vaguement religieux qui entre dans le débat public concerne « l'harmonie interreligieuse » et la « tolérance religieuse », des idéals et des projets que les différents gouvernements albanais revendiquent comme le caractère culturel ontologique des Albanais. Cette subordination est telle qu'elle implique même la gestion des relations avec les acteurs musulmans étrangers, voir le cas de l'Iran. Le rejet de toute forme de fanatisme religieux, considéré comme contraire à la culture albanaise et donc à éviter par tous les moyens, ainsi que la réduction de la taille des réseaux néo-salafistes. De même, la question de Gülen, dont la présence a été réduite sous l'impulsion du gouvernement turc. Des aspects qui démontrent une certaine gouvernementalité (Foucault 1978) dans la gestion des affaires religieuses, soumises à la raison d'État. Cependant, le gouvernement ne parvient pas toujours à imposer son diktat gouvernemental, comme dans le cas de la KMSH qui continue à entretenir des relations avec les réseaux de Gülen, refusant, du moins pour l'instant, des relations avec le gouvernement turc.

Cependant, les stratégies et les actions de ces différents acteurs de l'islam globale et leurs stratégies d'action a eu des effets notamment sur la pratique et la foi des musulmans albanais. Chacun de ces acteurs – l'Iran, la Turquie, les organisations néo-salafistes, les fondations Gülen – a tenté de remplacer la tradition islamique albanaise par sa propre version de la foi islamique. Ces dynamiques semblent conduire à un réarrangement des pratiques et des croyances parmi les musulmans. Un réarrangement qui, d'une part, va dans le sens d'une normalisation croissante, c'est-à-dire d'une standardisation normative de l'islam. Des pratiques culturellement enracinées telles que la *matem* ou le *nevruz* sont ainsi considérées comme étrangères et inauthentiques par les musulmans qui redécouvrent leurs racines islamiques au web, où les pratiques et les croyances sont présentées de manière normative, brève et standardisée afin d'être facilement répandues. L'anglais et l'arabe deviennent les langues véhiculaires de cet islam virtuel, qui offre des réponses existentielles et ontologiques. D'autre part, ce même processus conduit à retravailler de manière créative les traditions islamiques, en particulier la tradition Bektāshi, pour proposer sa propre version progressiste et libérale de la tradition mystiques islamique. Il s'agit d'un remaniement qui s'effectue par le biais du web, en accédant à diverses sources et formes de connaissances. Dans ce cas, la tradition islamique, au lieu d'être un aspect à oublier, devient une frise, une particularité qui fait de sa propre culture quelque chose d'unique et d'irremplaçable, comme dans le cas de la nouvelle version du Bektāshisme. En ce sens, la communauté Bektāshi s'est montrée très pragmatique dans la recherche de sa propre dimension au sein de cet espace mondial, en essayant de répondre aux diverses demandes de la société albanaise. Devenue une communauté religieuse indépendante pour des raisons historiques, le Bektāshisme n'a cessé de peaufiner doctrinalement sa singularité par rapport aux différents acteurs musulmans qui composent l'islam global. Ils se positionnent d'une part comme les garants des valeurs libérales occidentales, et d'autre part comme les représentants de la spiritualité islamique. Ce n'est pas un hasard s'ils se définissent comme une troisième voie entre l'islam et le christianisme et l'expression de la *harmoni ndërëfëtare* albanaise. La communauté Bektāshi se présente ainsi comme un symbole de la culture albanaise, entendue comme un modèle de coexistence culturelle et religieuse.

Toutefois, comme prévu, il semble y avoir un décalage entre la pratique des musulmans et les discours des autorités islamiques. Ces dernières tentent de trouver leur propre dimension légitime dans l'espace public, en se présentant comme les porteuses d'un islam modéré et œcuménique, voire en promouvant la tolérance religieuse. Cependant, ce discours ne semble pas intéresser outre mesure les musulmans, qui semblent surtout focalisés sur une piété construite indépendamment.

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