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RANKING CONFIDENCE
IN THE VALIDITY OF
CONTEMPORARY FATWAS
& THEIR DISSEMINATION
CHANNELS

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RANKING CONFIDENCE IN THE VALIDITY OF CONTEMPORARY FATWAS AND THEIR DISSEMINATION CHANNELS
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Muslims gather near the Tillya Sheikh Mosque in Tashkent, Uzbekistan, on the day of electing a new mufti during the Fourth Kurultai Congress of Muslims of Central Asia and Kazakhstan on 18 March 1989.

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# RANKING CONFIDENCE IN THE VALIDITY OF CONTEMPORARY FATWAS & THEIR DISSEMINATION CHANNELS

**Subject:** The confidence Sunni Muslims place in the validity of fatwas based on how they are communicated.

**Significance:** The present exploratory study examines the confidence Sunni Muslims place in the validity of contemporary fatwas communicated through a variety of communication scenarios. It recommends that newspapers and others reporting on fatwas change their focus in the types of legal opinions they choose to communicate.

Executive Summary: A survey was conducted to measure the confidence Sunni Muslims place in the validity of fatwas communicated through a variety of communication scenarios. The scenarios included common communication channels (in person, TV, radio, newspaper, website or social media), with the sender being the source of the fatwa (the mufti) or a non-mufti intermediary reporting the fatwa (such as colleagues, reporters, or bloggers). These measures were then used to rank confidence for the scenarios given in the survey. Rankings consistently showed that confidence was higher when the fatwa was communicated by the mufti without an intermediary. Rankings also showed that confidence is highest when that fatwa is communicated directly in person and lowest when through the newspaper. The findings indicate that fatwa petitioners have little confidence in newspapers and websites which report on fatwas, perhaps due to the types of fatwas they have communicated in the past. It is recommended that newspapers remedy this lack of confidence by changing their focus in the types of legal opinions they choose to communicate.

Muslims are required to know the ethico-legal ruling of an act before engaging in it. They often know rulings for the most common, basic situations they encounter in their daily lives. For uncommon deeds, mistakes, and more complex intra-personal situations, they often consult legal experts (muftis) for legal and ethical advice (fatwas). Although these legal experts can operate independently, many countries with large Muslim populations have formal institutions and individuals responsible for assisting the religious community through the provision of legal guidance or fatwa.

In more specific terms, a fatwa is a non-binding legal opinion offered by a mufti who has been trained to apply Islamic law to individual cases and then authorized by other muftis to do so. (This system of authorization is similar to the doctorate degree-granting apparatus

where current degree holders can grant the degree to candidates who have fulfilled certain conditions.) By definition, a fatwa issued by a mufti is valid and permissible to follow, and is usually prompted by a question related to a specific problem. The individual presenting the question is known as a *mustaftī*.

In the past, muftis were the primary communicators of fatwas. They communicated their fatwas using the channels available at the time: oral or in writing. The *mustaftī* can go in person or send a trustworthy individual in his place. According to books on the etiquette of muftis, *mustaftī*s, and crafting fatwas, it is permissible for a *mustaftī* to rely upon a mufti's written response if a trustworthy individual informs him that the mufti wrote it or if the *mustaftī* knows the mufti's handwriting and has no doubt that the answer is in his handwriting (al-Shahrazūrī, 1986, p. 168). Today, muftis disseminate fatwas through the whole gamut of contemporary media: they appear on television and radio, write for newspapers and magazines. Many have personal websites and blogs, and participate on social media.

Fatwa disseminators now also include individuals who communicate fatwas (either verbatim or paraphrased) but who are not themselves producers of fatwas. Common examples include journalists and reporters working for newspapers, television and radio, researchers in academic institutes, and think tanks, activists, bloggers, and individual members of the general public.

Muftis and *mustaftī*s value fatwas for offering proper guidance on how to ensure that one's actions in this world will be judged pleasing to God in the afterlife. The validity of the fatwa is thus paramount. Today's new disseminators and their target audience do not necessarily value fatwas for the guidance they offer, nor do they necessarily concern themselves with the validity of fatwas they communicate. For many new disseminators, a fatwa is something to fill up column space on a slow day, or a means to attract attention or persuade.

How do Muslim audiences view the validity of fatwas communicated through these various media? How do they view the validity of fatwas when the source for the communication is the mufti who issued it or a non-mufti intermediary reporting it?

The discipline of *muṣṭalaḥ al-ḥadīth* (the technical terminology of hadith studies) agrees with our common-sense knowledge that accuracy has an inverse relationship to distance from its origin. As the number of intermediaries increase, accuracy tends to decrease; and as accuracy decreases, so should the recipient's confidence in the information being transmitted. Imam Ibn Ḥajar writes of this in his *Nuzhat al-nazar* (al-'Asqalānī & al-Qārī, n.d.):

Shortness of chain is desirable since it is closer to authenticity and the minimization of error, because each individual in the chain is susceptible to errors. So as the number of intermediaries in the chain increases, so does the probability for errors, and as the number decreases, so does the probability for errors. (pp. 619–620)

The discipline also gives much higher credence to reports received orally in the presence of their source than it does to reports found in writing (known as *wijādah*). In cases where

a written report is not received directly from its author, it cannot be transmitted unless one has permission to do so and recognizes the handwriting of the source (al-'Asqalānī & al-Qārī, n.d., pp. 661–684; 784–785).

In the case of fatwas, an increase in distance from the source of the fatwa (the mufti) should lead to a decrease in confidence in the validity of the transmitted fatwa. The media and others who report on fatwas are intermediaries between the source of the fatwa (the mufti) and its final recipient. Additionally, this assumes that transmission is verbatim and not a partial quotation or paraphrase, which require a certain degree of linguistic and legal knowledge to ensure that all significant legal meanings are retained (al-'Asqalānī & al-Qārī, n.d., pp. 494–502).

It follows that learning of a legal opinion directly (in person) from its issuing mufti should be considered more accurate (and thus instill more confidence in it being valid) than when learning about a legal opinion through a non-mufti intermediary such as a journalist or blogger.

All of the above prompts several questions: Do Muslim audiences have the same confidence in the validity of a fatwa communicated through an intermediary who is not a mufti as they do when it is communicated by a mufti? Do Muslim audiences have the same confidence in the validity of a fatwa when it is communicated through different channels of communication?

This study provides preliminary answers to these questions by looking at the confidence that respondents report they have in fatwas communicated through a variety of common communication channels, both by muftis or through a non-mufti intermediary.

The results of this study will help muftis and disseminators of fatwas identify which channels of communication engender the highest validity with their intended audience. The results will also help identify which channels are considered to have low validity in order to decide on whether to leave the channel or seek to increase its perceived validity.

These answers also provide information about legal authority. If, for example, Muslims have high confidence in the validity of fatwas they learn from muftis while having low confidence in the validity of those they learn through intermediaries, Muslim public affairs groups (and media monitors) can counter attempts to present scandalous and sensational "fatwas" as mainstream just because they were reported in the mass media in a Muslim-majority country.

### METHOD OF APPROACH

The present study used a survey to measure the confidence respondents report having in the validity of a fatwa when its source is the mufti or a non-mufti intermediary, across a range of common communication channels. A custom survey was designed since a similar study had not already been conducted. The survey included questions related to the *mustafti*'s confidence given reception of a fatwa in various scenarios, and several questions concerning

respondent demographics. Most questions were answered using a 5-level Likert item which included the following levels: Strongly disagree – Disagree – Neither agree nor disagree – Agree – Strongly agree. These values were used to rank the overall confidence associated with receiving fatwas in each scenario. Values for disagreement were combined in order to assist ranking, as were values for agreement.

A convenience sample was obtained through the Internet. The survey was conducted in English and Arabic, and was moreover announced through Twitter and Facebook since these two social media platforms have gained widespread penetration amongst Muslims worldwide. The survey ran between 15 May and 8 June, 2013. Removing clearly erroneous answers and filtering for respondents who self-identified as Sunnis left 1,162 complete responses. Descriptive statistics was used to compare and rank the validity associated with the different scenarios for receiving fatwas.

#### **RESULTS**

# Overall Demographics

The survey was delivered in both Arabic and English with respondents given the option of either one. Arabic responses totaled 779 (67.0%), English 383 (33.0%).

Female respondents numbered 346 (29.8% of the total), to 812 male respondents (69.9%); 4 respondents chose not to specify their sex.

Respondents came from a wide range of ages: 33 were less than eighteen years of age (2.9%), 322 between eighteen and twenty-four (28.4%), 252 between twenty-five and twenty-nine (22.2%), 229 between the ages of thirty and thirty-four (20.2%), 133 between thirty-five and thirty-nine (11.7%), and 164 forty and above (14.5%).

Survey responses came from 50 countries of residence. Seven countries accounted for 879 (75.6%) of the responses: Egypt with 321 responses (27.6%); Saudi Arabia with 146 (12.6%); the United States 135 (11.6%); Yemen and the United Kingdom – each with 72 (6.2%); Canada 67 (5.8%); and the United Arab Emirates with 66 respondents (5.7%).

## Ranking fatwa dissemination channels, from fatwa producers and fatwa reporters

The survey included questions concerning fatwa communication channels and whether the source for communicating the fatwa was a mufti or a non-mufti intermediary.

The questions for scenarios where the mufti was the source for the communication followed a common format: "I am confident that a fatwa (legal opinion) is valid and permissible to follow when I learn about it...", followed by various fatwa dissemination channels, including: in person (e.g., personal consultation, phone call); on the radio; on the TV; in the newspaper; from an official website or social media account associated with the mufti or fatwa institution (Facebook, Twitter, YouTube).

The questions for scenarios where a non-mufti intermediary was the source for the communication followed a similar format: "I am confident that a fatwa (legal opinion) is valid and permissible to follow when I learn about it...", followed by various fatwa dissemination channels, including: from someone they know (e.g., a family member, friend, colleague); from a report on the radio, on the TV, in the newspaper; from a website or social media account not affiliated with the mufti or fatwa institution (Facebook, Twitter, YouTube).

Summing each question's results for "agree" and "strongly agree" showed how respondents – who are themselves *mustaftī*s – rank the various permutations of fatwa dissemination channels when the source is the mufti or a non-mufti reporting the fatwa. Analysis resulted in the following ranking (in descending order; see Table 1):

- mufti communicating in person (89.5%)
- mufti communicating through an official website or social media account (59.7%)
- mufti through television (55.0%)
- mufti through radio (50.4%)
- mufti through newspaper (25.0%)
- non-mufti intermediary reporting on a fatwa in person (23.9%)
- non-mufti through television (13.6%)
- non-mufti through radio (11.0%)
- non-mufti through a website or social media account that is not affiliated with the mufti (9.9%)
- non-mufti through a newspaper (7.2%)

Table 1. Confidence ranked based on source and dissemination channel

	Agree	%
mufti communicating in person	1040	89.5
mufti communicating through an official website or social media account	694	59.7
mufti communicating through TV	639	55.0
mufti communicating through radio	586	50.4
mufti communicating through newspaper	291	25.0
non-mufti intermediary reporting on a fatwa in person (friend, family, colleague)	278	23.9
non-mufti intermediary reporting on a fatwa through TV	158	13.6

**Table 1.** Confidence ranked based on source and dissemination channel (continued)

	Agree	%
non-mufti intermediary reporting on a fatwa through radio	128	11.0
non-mufti intermediary reporting on a fatwa through a website or social media account not affiliated with the mufti	116	9.9
non-mufti intermediary reporting on a fatwa through newspaper	84	7.2

Chi-square analysis¹ was used to test whether there was a statistically significant difference between the values given in each pair of adjacent ranks, or whether the adjacent ranks should be considered a tie. Except in three cases, the analysis revealed that adjacent rankings were statistically significant,  $\chi^2$  (1, N = 1162), p < .05 (see Table 2). The absence of statistical significance between *mufti in the newspaper* and *from someone I know*,  $\chi^2$  (1, N = 1162) = 0.39, p = .53, indicated no statistically significant relationship, suggesting that they are tied. The absence of statistical significance between *report on television and report on radio*,  $\chi^2$  (1, N = 1162) = 3.59, p = .06, and between *report on radio* and *report on website*,  $\chi^2$  (1, N = 1162) = 0.66, p = .42, also suggested that each adjacent pair is tied.

**Table 2.** Chi-square analysis of ranks

Scenario A	Scenario B	N	df	χ²	<i>p</i> -value
mufti communicating in person	mufti communicating through an official website or social media account	1162	1	273.22	0
mufti communicating through an official website or social media account	mufti communicating through TV	1162	1	5.13	.02
mufti communicating through TV	mufti communicating through radio	1162	1	4.85	.03
mufti communicating through radio	mufti communicating through newspaper	1162	1	159.37	0
mufti communicating through newspaper	non-mufti intermediary reporting on a fatwa in person	1162	1	0.39	-53

In simplified terms, Chi-square analysis allows us to quantify the relationship between variables and to then determine whether that relationship is significant enough to reject the hypothesis that the variables are not related and, consequently, accept the alternative hypothesis that the variables are related. It does this by measuring discrepancies between what we expect to observe if the variables are not related and what we actually observe, and how probable it is that the discrepancy can be explained by chance. It is common practice to accept that a relationship is significant when the probability that the discrepancy can be explained by chance is less than or equal to 5% (written as "p < .05"). This study represents Chi-square analysis in the following format:

$$\chi^2$$
 (1,  $N = 1162$ ) = 0.39,  $p = .53$ 

where the first number after the opening parenthesis indicates the degrees of freedom, N indicates the sample size, the number after the closing parenthesis is the measure of the relationship, and p indicates the probability value (p-value) that the relationship can be explained by chance (lower p-values indicate stronger relationships). When interpreting these results for this study, a p of less than or equal to .05 is understood to indicate a statistically significant relationship.

non-mufti intermediary reporting on a fatwa in person	non-mufti intermediary reporting on a fatwa through TV	1162	1	40.66	0
non-mufti intermediary reporting on a fatwa through TV	non-mufti intermediary reporting on a fatwa through radio	1162	1	3.59	.06
non-mufti intermediary reporting on a fatwa through radio	non-mufti intermediary reporting on a fatwa through a website or social media account not affiliated with the mufti	1162	1	0.66	.42
non-mufti intermediary reporting on a fatwa through a website or social media account not affiliated with the mufti	non-mufti intermediary reporting on a fatwa through newspaper	1160	1	5.48	.02

Additional Chi-square analysis suggests that this is not a three-way tie,  $\chi^2$  (2, N=1162) = 7.90, p=.02. This is further supported by a test showing that *report on television* and *report on website* are not tied,  $\chi^2$  (1, N=1162) = 7.30, p=.01. Since *report on radio* is tied with its two adjacent ranks but those adjacent ranks are distinct from one another, it was considered to be ranked between the two. (See Table 3.)

Table 3. Chi-square analysis of ranks which were tied

Scenario A	Scenario B	Scenario C	N	df	$\chi^2$	p-value
non-mufti intermediary reporting on a fatwa through TV	non-mufti intermedi- ary reporting on a fatwa through radio	non-mufti inter- mediary reporting on a fatwa through a website or social media account not affiliated with the mufti	1162	2	7.90	.02
non-mufti intermediary reporting on a fatwa through TV	non-mufti intermediary reporting on a fatwa through a website or social media account not affiliated with the mufti		1162	1	7.30	.01

### **DISCUSSION**

Analysis of the survey suggests that the confidence respondents have in the validity of a fatwa based on its source and dissemination channel can be ranked in the following order:

- 1. mufti communicating in person
- 2. mufti communicating through an official website or social media account
- 3. mufti through TV
- 4. mufti through radio
- 5. mufti through newspaper (*tied with the following*:) non-mufti intermediary reporting on a fatwa in person
- 6. non-mufti through TV
- 7. non-mufti through radio
- 8. non-mufti through a website or social media account that is not affiliated with the mufti
- 9. non-mufti through newspaper

In general, the ranking agrees with commonsense expectations that *mustaftī*s are more confident when the source of the fatwas they receive is the mufti rather than a non-mufti intermediary reporting on the fatwa.

Also, the ranking agrees with commonsense expectations that confidence is related to the cues a communication channel provides. This is seen in the consistent ranking of: in person, TV, radio, and finally newspaper. But it does not explain why official websites and social media rank second highest for fatwa producers and second lowest for fatwa reporters, nor why muftis communicating fatwas through newspapers engenders so little confidence in the validity of fatwas.

Institutes which disseminate fatwas or other religious content will be interested in how confidence in the validity of a fatwa increases when it is received from a mufti versus when it comes through an intermediary such as a reporter or announcer. The results in Table 4 suggest that websites, TV, and radio would benefit using a fatwa producer (or mufti) in the place of a fatwa reporter. The same cannot be said for newspapers, which present an oddity.

**Table 4.** Comparing gaps in confidence when a mufti or an intermediary uses each dissemination channel

		Non-mufti		
Dissemination channel	Mufti	intermediary	Gap	Gap as %
in person	1040	278	762	65.6
through website	693	116	577	49.7
through TV	639	158	481	41.4
through radio	586	128	458	39.4
through newspaper	291	84	207	17.8

The analysis performed in the previous section indicates that of all communication channels, *mustaftī*s were least confident in the validity of fatwas communicated through the newspaper, whether communicated by the mufti or reported by a non-mufti intermediary. When the newspaper is used to communicate fatwas, the gap between muftis and non-mufti intermediaries was only 17.8%. If newspapers want their audience to be confident that the fatwas they communicate are valid, it will take more than using muftis as authors. Muftis and newspapers alike will need to ensure that the *mustaftī*'s confidence in a mufti's newspaper fatwa is higher than the *mustaftī*'s confidence in a fatwa communicated by a non-mufti intermediary in person. Additional research is needed to determine why *mustaftī*s have so little confidence in the validity of fatwas communicated through newspapers.

A look at the business model newspapers and many websites follow may shed light on why the legitimate fatwas they disseminate engender so little confidence with *mustaftīs*. Newspapers and websites generate revenue through ads. When it comes to legal opinions, this means that they will be more inclined to choose ones that will attract advertisements and attention. The vast majority of fatwas issued by fatwa producers concern mundane issues of the everyday life of *mustaftīs*. While these are the fatwas of interest to *mustaftīs* who value them for offering guidance and who are very concerned with their validity – these fatwas, nevertheless, rarely concern things likely to attract advertisements or attention. In short: the legal opinions issued by recognized muftis are rarely newsworthy, scandalous, sensational, or controversial. What would attract the attention of journalists and bloggers are the legal opinions which are scandalous, sensational, or controversial – regardless of whether the opinion comes from a mufti or other commonly recognized legitimate source, or is valid or permissible to follow.

Research confirms that journalists and bloggers are attracted to legal opinions that are scandalous, sensational, and controversial – even when the opinions are proven to be errant, come from unreliable sources, or wholly fabricated. An article by Patheos provides many examples of the types of legal opinions that are of interest to journalists and bloggers: fatwas endorsing gang-rape, banning phallus-shaped food for women, permitting necrophilia, and endorsing "divine" sodomy (Barker, 2013, January 10). While the article concentrates on western sources, there are many well-known examples from within the Arab world. In 2007, Dr. Izzat Atiya at Azhar offered a legal opinion suggesting that male colleagues drink breast milk "directly from" female colleagues as a way around the prohibition of privacy between men and women who are not related by blood, marriage, or wet nursing. Dr. Atiya, who is not a mufti, retracted his fatwa after it was unanimously lampooned by muftis and legal scholars for ignoring explicit textual evidence which limits wet nursing to within the first two years of an infant's life (Breastfeeding fatwa causes stir, 2007, May). Another example is found in Imam Hashim Islam's fatwa that those who protest against then President Morsi have committed apostasy (Furber, 2012). Many of these legal opinions went viral after being reported by websites and newspapers. These opinions were later found to be issued by individuals who were not qualified to do so, or were blatant fabrications. Additionally, websites and newspapers often pass off opinions issued by fringe groups without any comment or mention of scholarly criticism. This lack of care to properly investigate the veracity of legal opinions, and their preference for controversy, scandal, and sensation both give cause for reduced confidence in the validity of legal opinions communicated through newspapers and websites that are not affiliated with the mufti.

While the negative consequences of these types of legal opinions are partially mitigated for Muslims who have easy access to muftis or criticism of such questionable opinions, these options tend to be absent for non-Muslims and Muslims in minority communities. Additionally, the negative consequences are augmented when foreign journalists and bloggers transport these opinions into the purview and gaze of international audiences. This internationalization of scandalous and sensational legal rulings is especially negative when verification is difficult due to linguistic or religious differences and boundaries. In extreme cases, totally insignificant and obviously incorrect legal opinions are presented to non-Muslim audiences as commonly accepted, Islamic legal norms.

If newspapers and websites continue to pick legal opinions which titillate but are of no practical value to Muslim readers, a likely consequence is that Muslim readers will lose their confidence in the validity of any legitimate fatwas disseminated through those channels.

This lack of confidence should be of concern to newspapers and websites which have large Muslim audiences, especially those located in countries where Islam is the official religion. The Muslim consumer market includes 1.8 billion Muslims and is expected to grow 35% by 2030 (Consuming passions, 2013, May 25). The market covers a wide range of goods and services including the well-known halal meat and Islamic finance products; tour packages catering to Muslim patrons; clothing that meets religious norms of modesty while also being fashionable and professional; cosmetics that can be worn without preventing ritual ablution; ergonomic prayer rugs; Quran memorization devices; prayer beads; and many others. These products all need to be advertised. Newspapers and websites will need to build a proven Muslim audience in order to ensure that they can attract advertisers of Muslim consumer products. One way to do this is by offering the Muslim audience information that they themselves find reliable and of practical value instead of focusing primarily on titillation and sensationalism.

Presenting information deemed reliable by their Muslim audiences is likely to be of more interest to newspapers in countries where Islam is the official religion – especially when government shows interest in the religious welfare of the community. Just as newspapers take care to ensure that their medical and science reporting is accurate, and that their lifestyle advice is beneficial, they should show similar concern to ensure that their religious reporting is also accurate and beneficial. Just as they employ reporters who cover medicine, science, and other technical subjects and possess a degree of familiarity and expertise in the areas that they cover, they should consider the same when it comes to covering religious topics.

Conclusion: In the preceding study we examined the confidence respondents place in the validity of fatwas communicated through a variety of common media, whether by a mufti or a non-mufti intermediary. Analysis of the confidence that respondents have in the validity of fatwas produced the following order (from most confidence to least): the mufti communicating a fatwa in person; through an official website or social media account; through TV; through radio; through a newspaper or a non-mufti intermediary reporting on a fatwa in person; a non-mufti reporting through TV; through radio; through a website or social media account not affiliated with the mufti; or, lastly, through a newspaper. It was recommended that TV, radio, and newspapers use muftis or area specialists to increase confidence in the fatwas they communicate. It was also recommended that newspapers focus more on fatwas that will be of practical benefit to their Muslim audience, especially if they wish to attract advertisement revenue from the growing Muslim consumer market.

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