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The Status of Fatwas in Contemporary Muslim Societies: Relevance and Regulation

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Abstract

Fatwa, the non-binding legal opinion issued by a qualified Islamic scholar (mufti), has traditionally been a tool for counseling Muslims in personal, social, and legal affairs. In modern Muslim societies, fatwas have become more salient in public debates, ranging from political issues to financial morality, as well as in day-to-day practice. The emergence of new media, satellite television, and social networks has enabled instant, globalized, and sometimes contentious production and circulation of fatwas. This article addresses the evolving role of fatwas in modern contexts, evaluating their authority, governance, and implications for Muslim communities. It further addresses tensions between old models of jurisprudence and new media settings, and charts directions towards improving the accountability and contextual awareness of fatwa practices.

Keywords: Fatwa; Islamic jurisprudential authority; Mufti; Modern Islamic communities; Religious decrees; Sharia governance; Online fatwas; Ulama; Legal pluralism; Oversight of religious authority.

Introduction

The fatwa, or advisory judgment or legal opinion given by a Muslim scholar on an issue relating to religious law, has always been the area of balance between divine principles and the common experience of Muslim societies. Based on the rich tradition of Islamic jurisprudence (fiqh), fatwas have assisted believers to decide complex cases relating to rituals, ethics, social manners, and legal duties. Traditionally, a fatwa is given by a qualified mufti and is taken to be non-binding, as opposed to a court ruling legally enforceable.

In premodern Muslim society, fatwas played an active role in shaping individual and communal dimensions of life. Such rulings were often sought by individuals and government officials for clarification of some issue. Such rulings were situated within a sophisticated matrix of scholarly prestige, local religious institutions, and accepted schools of law (madhāhib). The credibility of such fatwas rested not merely on the mufti's credentials but also on his reputation, methodology, and adherence to accepted legal norms.

In the 21st century, fatwa production and consumption have undergone radical changes. The emergence of digital technologies, international media, and higher literacy levels have enabled fatwas to be widely circulated outside their initial contexts. Religious opinions are now being produced not only by well-established institutions but also by independent scholars, state-sponsored councils, popular clerics, and even unknown figures on the internet. Fatwas are widely circulated through television shows, online publications, or spread virally on social media—often unconnected to conventional scholarly conventions or moral responsibilities.

This evolution has posed fundamental questions: Who gets to issue fatwas in today's society? How are fatwas regulated within different Muslim societies? What is their effect on social opinion and public policies? How, additionally, can the legitimacy of issuing fatwas be ensured in the context of an information age, political polarization, and manipulation of ideologies?

This piece responds to such questions by way of an exploration of the meaning and governance of fatwas in contemporary Muslim societies. It begins with a historical background on the development of fatwas, continues to explore its evolution in the contemporary period, and goes on to explore national and transnational regulatory efforts, maps out the challenges of today, and closes by suggesting directions for ethical, contextual practices of fatwa.

The history and landmarks of fatwas.

The etymology of fatwa comes from the Qur'anic root "aftā," which implies the act of interpreting or explaining. The Qur'an uses the word in instances that involve asking for clarification regarding legal or theological matters (e.g., Qur'an 4:127, 18:22). In Islamic jurisprudence, a fatwa is an authoritative legal opinion made by an expert jurist (mufti) as an answer to a query raised by an individual, judge, or authoritative figure on matters not specifically dealt within the Qur'an, Sunnah, or consensus.

1. Classical Fatwa Issuance Structure

In the classical Islamic framework, the fatwas were given by muftis educated in uṣūl al-fiqh (principles of jurisprudence), interpretation of the Qur'an, science of Hadith, and Arabic grammar. The mufti was working within a particular school of law (madhhab), and his fatwas were authoritative within the legal school but non-obligatory. The mufti-qāḍī relationship was significant: judges (qāḍīs) may seek advice from muftis, but they still had authority to make binding rulings (aḥkām).

In this regime, a fatwa was not an independent decree but an integral component of an advisory and discursive legal process. It was an expression of the scholar-jurist's intellectual formation as well as his moral obligation to provide contextually sensitive advice.

2. Pre-Modern Islamic Societies' Religious Decrees

Historically, fatwas defined much of Muslim life. Fatwas were pronounced on issues that ranged from ritual purity and bodily hygiene to law of inheritance, commercial ethics, and political authority. In the Ottoman state, the institution of Shaykh al-Islam formalized fatwa issuance, giving it semi-official juridical powers. Elsewhere, like in

Mughal India and Abbasid Baghdad, leading jurists issued fatwas that impacted courts, bazaars, and public policy.

Notably, the process was often marked by decentralization, as multiple muftis served different regions and communities, thus allowing freedom of opinion (*ikhtilāf*) while maintaining scholastic rigor.

3. Features of Classical Fatwas

Contextualization: Fatwas were tailored to respond to specific questions and scenarios.

1. Non-coerciveness: They were advisory, not binding, unless adopted into judicial decisions.
2. Accountability: Muftis were responsible before learned colleagues and to their own madhhab customs.
3. Ethical intention: Fatwas were intended to uphold the spirit of the Shari'ah—justice, mercy, wisdom, and public interest.

Traditionally, the fatwa has served as a responsive, subtle, and intellectually sophisticated vehicle of Islamic counsel—never categorical, but firmly founded in a learned tradition that valued humility, profundity, and plurality.

The Emergence of Fatwas in Modern Times

The contemporary period has revolutionized the context, content, and communication of fatwas in a radical manner. The evolution of the premodern Islamic polity to the modern nation-state, combined with technological and mass media advancements, has influenced the issuing, issuers, and reception of fatwas. The result is a more public, contested, and influential role for fatwas in political and public life.

1. Institutionalization and State Intervention

As Islamic empires weakened and modern nation-states emerged, numerous Muslim regimes attempted to regulate religious authority. This attempt involved the establishment of official fatwa institutions, such as Egypt's *Dār al-Iftā'*, Saudi Arabia's Permanent Committee for Scholarly Research and Ifta', and Pakistan's Council of Islamic Ideology.

These state-sponsored institutions are apt to fulfill two functions: providing religious advice and validating the ideological legitimacy of the state. At times their fatwas conform to government policy, but at others they are influenced by political agendas, bureaucratic agendas, or nationalist goals.

For example, fatwas relating to jihad, the dress of women, or political opposition have typically been issued to promote state interests or suppress opposition.

2. Media and Technology Growth

The 20th and 21st centuries have witnessed the revolution of radio, TV, the internet, and social media bringing radical change in the availability and visibility of fatwas. Satellite channels such as Iqra TV and Peace TV have fatwa-based question-and-answer programs that reach millions of individuals, and sites such as IslamQA and YouTube provide access to dozens of fatwas, sometimes without institutional oversight.

This cyber democratization of issuing fatwas has brought religious opinions within reach of the masses—but left room for confusion, contradiction, and extremism.

3. Populist and Independent Muftis

Modern society has witnessed autonomous muftis, some with impressive qualifications, others self-proclaimed, issuing fatwas on political, gender, or sectarian issues with the aim of gaining followers or creating ideological ascendancy.

This phenomenon adds to:

- Fatwa wars: Rival fatwas on sensitive issues like suicide bombing, women's leadership, and interfaith relations.
- Conflicting authority: Having multiple fatwas on one issue, confusing regular Muslims about which fatwa to follow.
- Media sensationalism: Fatwas on the front pages, reduced to bite-sized soundbites with little scholarly substance.

4. Fatwas in Muslim-Minority Contexts

Western Muslim communities have applied the tradition of fatwa to deal with problems like Islamic wills, interest-bearing mortgages, hijab in schools, or fasting during lengthy summer days. Organizations like the European Council for Fatwa and Research (ECFR) offer "contextualized fatwas" for Muslims confronted with secular legal systems.

This attests to a constructive application of fatwa as a dynamic instrument of the jurisprudence of minorities (*fiqh al-aqalliyyāt*) despite recurring skepticism regarding its validity and consistency.

By way of conclusion, the fatwa has come to change from a localized, peer-reviewed legal opinion to a globalized, media-driven, politically charged discourse. As this change creates new horizons for outreach and guidance, it also creates great challenges in the preservation of the credibility, coherence, and ethical foundations of the fatwa tradition.

The Relevance of Fatwas to Contemporary Muslim Communities

Despite their changes in dissemination and legitimacy, fatwas continue to be crucial forces in the lives of Muslims across different social settings. From individual decisions regarding ordinary practices to complex societal discourses, fatwas offer religiously interpreted advice that shapes ethical behavior, community norms, and policy discourses.

1. Personal and Daily Spiritual Guidance

For most Muslims, fatwas offer answers to everyday problems of acts of worship (*ʿibādāt*) as much as to ordinary transactions (*muʿāmalāt*). Questions regarding the permissibility of medical interventions during fasting, business deals with non-Muslims, or the use of contemporary birth control devices are commonly posed to online fatwa portals or local muftis.

In this capacity, fatwas are accessible religious literacy tools, particularly for those who do not have formal religious education.

2. Ethical and Social Decision-Making

Contemporary life raises ethical challenges with regard to bioethics, gender roles, social justice, and technology. Fatwas are part of moral reasoning in the following areas:

- End-of-life care and organ donation
- Gender reassignment surgery
- Environmental ethics
- Surveillance and artificial intelligence
- Models of Islamic banking and insurance

Here, the fatwa is an exercise in applied ethics, giving ethical instruction in a rapidly changing world.

3. Community Cohesion and Conflict Resolution

In the majority of Muslim societies, particularly where state courts are overwhelmed or suspect, fatwas from local scholars are instruments of mediation in marriage, commercial, and inheritance conflicts. Even if they are not enforceable by law, a respected mufti's decision typically holds social influence.

In mosques or ad-hoc shura councils, fatwas tend to be employed to settle disagreements or to coordinate community reactions to controversial topics.

4. Minority Contexts and Identity Formation

In non-Muslim, secular societies, fatwas assist Muslim minorities:

- Negotiate legal dualities (e.g., Islamic and civil law)
- Maintain religious identity threatened with assimilation
- Adapt classical rulings to new cultural norm.

For instance, fatwas have delved into the permissibility of Muslims participating in national festivities, voting in non-religious elections, or charging interest on retirement accounts.

5. Political Legitimacy and Public Discourse

Fatwas structure political narrative and public debate, especially in nations such as Iran, Saudi Arabia, Pakistan, and Egypt, where religion and state power converge. Condemning extremism or supporting state policy, fatwas can be instruments of social repression or resistance.

Well-publicized fatwa can legitimize or delegitimize movements, protests, wars, and politicians—particularly when given by influential clerics.

In general, fatwas are very much relevant today in Muslim societies, offering moral, religious, and even sociopolitical guidance. Yet their effectiveness and ethical influence rely heavily on the authority of the issuing body, the process used, and the sociocultural environment in which the fatwa is received.

Regulation and Monitoring of Fatwas: National and International Strategies

As the role of fatwas in modern society continues to change further—becoming more salient, politicized, and hybrid—pressure to regulate and institutionalize control has become increasingly necessary. To ensure religious legitimacy, prevent social conflict, and reduce abuse, many Muslim-majority states and global actors have instituted formal mechanisms for regulating the issuance and dissemination of fatwas.

1. Muslim-Majority Country State Regulation

A few states have employed state control of official fatwa issuance, either to centralize religious authority or to synchronize religious discourse with political discourse.

1. Egypt: The Dār al-Iftā' al-Miṣriyya, founded in 1895, falls under the Ministry of Justice and issues thousands of fatwas annually. The Grand Mufti is elected by the state, and fatwas are often consistent with national policy. Egypt has made issuing fatwas without permission a criminal offense in an attempt to curb extremism.
2. Saudi Arabia: The Permanent Committee for Ifta' and the Council of Senior Scholars have the power of fatwa. They are the only ones who can issue authoritative rulings. The state prohibits individual scholars from issuing fatwas unless they receive official authorization.
3. In Pakistan, while unofficial fatwas are common, the Council of Islamic Ideology, along with various Ulema Boards, give the state-endorsed advice. Provincial governments have attempted some restrictions on inflammatory or unauthorized fatwas, especially those that promote sectarianism.
4. Iran: Fatwa power in the Shi'a context continues to be decentralized but hierarchical. Fatwas issued by the Supreme Leader are frequently laden with political and theological significance, with junior scholars deferring to his ijtihad.

While state control promotes conformity and inhibits extremist ideology, it can also limit academic freedom and stifle dissenting opinion.

2. International and Transnational Oversight

Outside of nation-states, international Islamic organizations try to regulate fatwa practice throughout Muslim societies.

- International Islamic Fiqh Academy (IIFA): Founded by the OIC, it gathers scholars from all over the Muslim world to issue fatwas by consensus on contemporary issues, including medical ethics and finance.
- European Council for Fatwa and Research (ECFR): Providing fatwas to Muslim minorities in Europe, it provides context-specific fatwas tailored to secular settings. It advocates maqāṣid al-sharī'ah (Islamic law objectives) as a model of methodology.
- Global Mufti Forums and E-Fatwa Councils: Online forums such as AskImam.org and IslamQA have established online forums for issuing fatwas globally—though with little peer review or accountability in some instances.

3. Challenges to Regulation

Efforts to regulate fatwas face several difficulties:

- The proliferation of platforms: Social media facilitates the dissemination of fatwas—whether authentic or fraudulent—thereby complicating the enforcement process.
- Absence of standardized criteria: There is no standard or concurred framework of fatwa methodology or mufti qualification.

- Political exploitation: The authoritarian government can utilize regulatory mechanisms to suppress political or religious dissent.
- Regulation, therefore, must be balanced against control and credibility, preserving intellectual rigor without suppressing legitimate intellectual diversity. Briefly, regulation is needed to counter misuse of fatwas in contemporary societies. Regulation, however, is not only a matter of institutional authority, but also of scholarly openness, peer criticism, and moral accountability.

Challenges in the Modern Fatwa System

The modern expansion of fatwa making has been shadowed by several challenges to the validity, coherence, and ethical integrity of the tradition of the fatwa. These challenges are the result of a variety of causes including political manipulation, institutional weakness, fragmentation of theology, and the effects of mass media.

1. Absence of Academic Qualifications

One of the major issues is that of growing numbers of self-styled muftis who issue fatwas without receiving proper training in Islamic jurisprudence. The majority of the people in this category are inept in uṣūl al-fiqh, Arabic, or lack adequate knowledge of root books on jurisprudence.

This is a trend that reduces the quality and reliability of religious teachings, allowing superficial or wrong explanations to catch on.

2. Contradictory Fatwas and Social Uncertainty

Several fatwas on the very same question—often starkly opposing or even contradictory to each other—perplex the layman. This is within and among sects, with varying judgments on issues like music, polygamy, hijab fashion, moon-sighting, and political activism.

Without standardization, the laity can reject religious authority in its entirety or pick and choose only those decisions that fit individual taste (a process known as fatwa shopping).

3. Politicization of Fatwas

Fatwas usually, in the majority of instances, are influenced—or even directly controlled—by political forces. Government-appointed muftis issue rulings in favor of state interests, including:

- Justifying war or suppressing demonstrations
- Labeling political opponents as heretical.
- Backing economic or social reforms that lack biblical basis

This undermines the public's trust in the fatwa as a singular source of legal and moral advice.

4. Extremist and Sectarian Fatwas

Certain fatwas promote sectarian violence, urging attacks on rival Islamic sects or the non-Muslim minority. Others have also been used to justify terrorism, suicide bombing, or extrajudicial killing.

Radical organizations such as ISIS and al-Qaeda have militarized the fatwa tradition to legitimize atrocities—demythologizing its ethical and scholarly heritage.

5. Media Misrepresentation and Sensationalism

Fatwas are sensationalized by social media and the press, boiled down to clickbait news headlines taking things out of context and out of academic nuance. Gender, sexuality, or political choices that are controversial are especially prone to misinterpretation.

This particular media framing encourages ridicule of Islamic scholarship and perpetuates stereotypes regarding the assumed irrationality or backwardness of religious legal systems.

6. Lack of Peer Review and Institutional Supervision

On internet sites, fatwas are generally published alone—without peer review, senior scholar review, or council review. That is, poorly reasoned or ideologically driven opinions become available unchallenged.

In contrast to traditional environments, where muftis were responsible to scholarly guilds or madrasah networks, most contemporary fatwa-givers work independently, diminishing scholarly responsibility.

In short, the modern condition of fatwas is characterized by both significance and danger. While fatwas remain an indispensable source of counsel, qualification, fragmentation, politicization, and media manipulation pose dangerous threats to the integrity of the tradition. Counteracting such threats calls for reform, cooperation, and a renewed sense of scholarly responsibility.

The Role of Muftis and Scholars in Ensuring the Validity of Fatwa

The long-term legitimacy of the fatwa institution depends on the moral responsibility, scholarly seriousness, and situational awareness of the individuals issuing religious opinions. In an era of ideological disintegration and technological revolution, muftis and Islamic scholars have a responsibility to adopt proactive measures to ensure the ethical, intellectual, and social value of their role. This section outlines the main tasks and measures required to ensure the integrity of fatwas in contemporary contexts.

1. Being Academically Competent

Fatwa issuance requires extensive training in the traditional Islamic sciences, i.e.:

- Uṣūl al-fiqh (principles of jurisprudence)
- Qur'anic interpretation and Hadith science
- Arabic semantics and grammar
- Maqāṣid al-sharī'ah (objectives of Islamic law) knowledge
- Knowledge of legal precedents from various madhāhib.

They who render fatwas without proper education harm the public and the Shari'ah tradition.

2. Contextual Awareness (Fiqh al-Wāqi')

A mufti needs to be aware of the social, political, economically, and technological contexts that are pertinent to issuing a fatwa. While the Qur'an and Sunnah are time-transcendent, their application involves the study of the specifics of time and place (zaman wa makan).

For instance, fatwas for Muslim minorities in secular countries have to take into account legal frameworks, cultural patterns, and religious diversity.

3. Ethical Responsibilities and Adab al-Fatwa

Classical scholars placed special emphasis on adab al-fatwa—the etiquette of issuing a ruling. A mufti should:

- Do not act impulsively or emotionally
- Make conclusions based on proven facts.
- Respect other juristic opinions (ikhtilāf).

□ Prioritize public welfare and justice Imam al-Nawawi and al-Shatibi both warned against issuing fatwas regarding something one does not know or something that can cause harm to the community.

4. Unity and De-escalation Commitment

In plural societies, academics should not issue fatwas that cause unnecessary conflict or enmity. Although juristic difference of opinion is permissible, fatwas should never be employed to issue takfīr (excommunication) or cause sectarianism without deep evidence and deliberate contemplation.

Fatwas should be focused on uniting and educating rather than condemning and provoking.

5. Peer Review and Collective Ijtihad

Fatwas dealing with sensitive or modern issues—like cloning, cryptocurrency, or environmental law—should be issued through a collective mode of ijtihad, involving scholars from different fields and different backgrounds.

Institutions such as the International Islamic Fiqh Academy and national fatwa councils serve this function and can enhance their credibility by collaborative scholarship.

6. Documentation and Transparency

Modern fatwa issuers must be clear in their descriptions of sources, support their conclusions, and indicate whether the edict is based by means of ijtihad, analogy (qiyās), common usage (‘urf), or one of the schools.

This openness not only creates trust but also educates the public on how Islamic law operates.

The modern-day mufti is not merely a conveyor of law, but a moral guide, community leader, and intellectual mediator between tradition and contemporary times. The fatwa can regain its honored position in the ethical and spiritual life of the Muslim community only through sincerity (ikhhlās), erudition, and humility.

Examinations of Fatwas within Modern Contextual Frameworks

Empirical examples illustrate the continued influence of fatwas on contemporary Muslim life. Case analysis reveals the diversity, relevance, and complexity of fatwas to modern issues. In addition, they illustrate the manner in which institutionally aware reasoning and institutional authority affect the adoption and effectiveness of a fatwa.

Case Study 1: Fatwas on Mosque Closures and COVID-19 Protocols

Context:

During the global COVID-19 pandemic, Muslim scholars had the urgent questions of whether the congregational prayers, both Friday and Taraweeh prayers, could be postponed, and if virtual or socially distanced meetings were acceptable.

Fatwa Responses:

Different institutions, such as Al-Azhar, Dar al-Ifta' Egypt, Indonesia's Majelis Ulama, and Pakistan's Ruet-e-Hilal Committee, have issued fatwas allowing for the temporary suspension of congregational prayers and the closure of mosques to avoid harm (ḍarar). This is based on the principles of public welfare (maṣlaḥah) and the preservation of life.

These fatwas demonstrated adaptive jurisprudence grounded in maqāṣid al-sharī'ah, prioritizing life and health while upholding spiritual values.

Case Study 2: Religious Statements on Cryptocurrency and Digital Assets

Context:

When Bitcoin and other cryptocurrencies began to gain traction, Muslims began to question whether such virtual currencies are ḥalāl, especially with concerns of volatility, speculations (gharar), and non-intrinsic value.

Fatwa Answers:

Scholars and fatwa councils have issued differing views:

- Others termed cryptocurrencies ḥarām, blaming them on excessive speculation and potential fraud.
- Others made conditional permissibility decisions, classifying cryptocurrencies as digital commodities with market worth.
- Malaysia's Shariah Advisory Council approved trading in cryptocurrencies in regulated terms.

This pluralism necessitates inter-disciplinary fatwas involving jurists as well as economists.

Case Study 3: Religious Edicts on Women Leadership and Public Participation

Context:

As Muslim nations and minority communities increasingly elect or appoint women to office, whether women can lead remains a controversial topic.

Fatwa Responses:

Conservative fatwas have referenced Hadiths to hold the opinion that women cannot be in charge of men.

Progressive minds, drawing from Qur'anic instances such as Queen Bilqis (Surah al-Naml), advocate for women to be fully engaged in leadership positions.

Pakistan's Council of Islamic Ideology and Indonesia's Ulama Council have released sophisticated fatwas endorsing women's participation under Islamic ethics.

These contradictory judgments reflect the prevailing debate between classical perceptions and changing gender roles in Muslim societies.

Case Study 4: Fatwas on Climate Change

Context:

Given the international climate emergency, Islamic intellectuals have been charged with articulating the ethical responsibility of Muslims in the conservation of nature.

Fatwa Responses:

In 2015, the International Islamic Climate Change Symposium issued a historic fatwa calling on Muslims to reduce emissions, divest from fossil fuels, and seek sustainable practices—based on Qur'anic principles of stewardship (*khilāfah*) and balance (*mīzān*). This fatwa transformed environmental responsibility as a religious obligation, a movement towards universal eco-ethics within Islamic thought.

These analyses of cases demonstrate the continued relevance and versatility of fatwas as tools of moral thought. In addition, they demonstrate the diversity of thought within Islamic tradition—a virtue if based upon serious scholarship and sincere public interest.

Conclusion

The fatwa, as a juristic response to evolving human circumstances, is the most resilient and flexible institution of Islamic law. In the premodern era, it was a local, advisory process based on intellectual authority and moral reflection. In today's globalized, highly networked, politically fractured world, the fatwa has learned to evolve—more widespread and impactful, but at the same time, more vulnerable to misuse.

The present article has demonstrated that fatwas hold significant importance within modern Muslim communities. They influence personal conduct, mediate community conflicts, address global ethical dilemmas, and even affect the formulation of public policy. However, despite their advantages, fatwas encounter considerable obstacles, including the issuance by unqualified individuals, inconsistent rulings, politicization, distortion by media outlets, and inadequate regulation. Such issues erode public confidence and diminish the status of fatwas from a revered obligation to merely a mechanism for ideological expediency or individual self-promotion.

To restore credibility and make a lasting impact, the institution of fatwa has to go back to its old values of integrity, humility, and intellectual honesty and evolve with the times. This entails:

More education and credentials for muftis;

□ Collective fatwa processes, peer-reviewed

□ Increased regulation against academic freedom

The ethical use of media and technology;

□ More emphasis on public welfare, unity, and justice.

Finally, a fatwa is not opinion—it is duty. It is not merely the mufti's knowledge, but the conscience of the people whom he speaks for. With Muslim communities changing at an increasingly accelerating rate, the fatwa must be a living voice of Islamic insight: not dogmatic rigidity, but ethical guidance that responds to both divine revelation and human existence.

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