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Reconstructing Fiqh al-Aqalliyyāt: Jurisprudential Challenges and Prospects for Muslim Minorities in Secular Democracies

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Abstract

This study examines Fiqh al-Aqalliyyāt (jurisprudence for Muslim minorities) as a contemporary framework for addressing the religious, social, and legal challenges faced by Muslims living in secular democracies. Rooted in classical Islamic legal principles yet responsive to modern contexts, Fiqh al-Aqalliyyāt seeks to harmonize adherence to Islamic law with the demands of pluralistic, non-Muslim societies. The paper explores its historical development, key scholarly contributions, and methodological foundations, particularly the use of *maqāṣid al-sharīʿah* (objectives of Islamic law) and *ijtihād* (independent reasoning) in deriving context-specific rulings. Through a critical analysis of case studies—including issues of citizenship, political participation, interfaith relations, and compliance with secular law—it highlights both the potential and limitations of Fiqh al-Aqalliyyāt as a viable legal paradigm. The findings emphasize the necessity of a balanced approach that preserves Islamic identity while fostering peaceful coexistence and civic engagement. Finally, the paper argues for the continued evolution of this jurisprudence to address emerging ethical and legal questions in a globalized world.

Keywords: Fiqh al-Aqalliyyāt, Muslim minorities, secular democracies, Islamic jurisprudence, *maqāṣid al-sharīʿah*, *ijtihād*, legal pluralism

Introduction

Fiqh al-Aqalliyyat or jurisprudence of the Muslim minority emerged as a reaction to the practical problems of Muslims who by migration and settlement became the permanent minority population in secular democracies. It is the classical vision of fiqh that had developed over several centuries in some largely Muslim majorities scenarios in which the Islamic law at least was more or less familiar to the masses and did not fit the scenario the Muslims had found themselves in as citizens of secular constitutional orders. Such financial, educational, political, inter-faith and expressive issues could not be answered in terms of choices made in majority-Muslim societies by religion. Rather an idiom of professionalism had already taken shape among the Muslim scholars and jurists of the late-twentieth century that was attempting to strike a balance between commitment to Islamic norms and civic obligations and pluralistic societies (al-Alwani, 2003; al-Qaradawi, 2001).

But Fiqh al-Aqalliyyat (فقه الاقليات) has been controversial. The dissent is an expression of a desire to repackage Islamic rules as a series of ad hoc trade-offs, which are progressively being repaired by the fashion of secular conditions and not by legislation (Hallaq, 2009). The failure to assert what is purportedly a minority condition, metaphysically, because Muslim groups are not equal, do not consume resources, do not assimilate at differing rates, etc. would not have been possible, in the eyes of other people, because they are not equally large, did not necessarily require resources in order to thrive, were not given equity depending on the country and on the time frame (Mustafa and Agbaria, 2016). Others have lamented the marginalisation of the traditional law schools and warned that eclectic borrowings in the name of pragmatism will confuse the coherence of Islamic jurisprudence. As Abou El Fadl (2001) cautions, “A jurisprudence that justifies itself merely through expedience risks becoming authoritarian pragmatism, stripped of moral integrity” (p. 227). All this points out to the fact that no matter how potential the paradigm Fiqh al-Aqalliyyat could be, it is a convenience jurisprudence that compromises most important theological and moral commitments.

Meanwhile, the problems of the Muslim minorities are changing at a very fast pace. The Muslim communities are currently facing novel globalisation, digital surveillance, artificial intelligence, and environmental sustainability issues, in addition to the financial, family law, and citizenship concerns well-documented. These new realities dictate that the minority jurisprudence must project itself in such a way that it addresses issues that were not a prominent part of the classical discourse of law. Fadel (2014) argues that minority jurisprudence must move beyond ad hoc survival rulings and embrace broader ethical horizons. As he notes, “The ethical potential of Islamic law lies in its ability to articulate values of justice, dignity, and pluralism that resonate beyond the confines of the Muslim community” (p. 14). It involves a jurisprudence less concerned with the canons of the West than with larger justice, broader justice, pluralism and discourses of human dignity.

The paper is thus an attempt to place Fiqh al-Aqalliyyat in its historical process and in its immediate problems, and suggest directions of its future development. It is open to modernity, through both methodology and situational responsiveness, and mindful of the Qur’anic vision of human diversity: يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ — وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا “O mankind, We created you from a male and a female and made you into peoples and tribes so that you may know one another” (Qur’an 49:13).

Fiqh al-Aqalliyyat

The philosophical origins of Fiqh al-Aqalliyyat date way back to the long history of Islamic jurisprudence and its experience of responding to a variety of social and political realities. But instead of the minority

jurisprudence being considered a completely new innovation, in other historical eras of the Islamic world, one can already find discussions regarding the role of the Muslims under the rule of a non-Muslim ruler. The Hanafi and Maliki classical jurists in particular argued over the position of Muslims who accidentally found themselves in frontier states, conquered people or entered into treaties with non-Muslim states. Those other principles upon which these jurists drew the authority to make the Islamic law to keep pace with the times not within the sphere of the shari'ah state institutions were: *ijtihad*, *istihsan* (juristic preference), and *maslahah* (public interest) (Powers, 2006).

The modern manifestation of Fiqh al-Aqalliyyat, however, took root towards the end of the twentieth century, in the face of mass migration and globalisation, which no longer sees the presence of the Muslim in the West as an exception, but as a new reality. Some such as Yusuf al-Qaradawi believed that Muslims in the West were to be treated not as travellers and guests, but as citizens, with rights and obligations. As he wrote, “Muslims in the West are not visitors or guests, but citizens with rights and duties, obliged to live by their faith without isolation or dissolution” (al-Qaradawi, 2001, p. 12). It was al-Qaradawi (2001) in his best-selling book *Fiqh al-Aqalliyyat al-Muslima* who proposed a jurisprudence grounded in *maqasid al-shari'ah*, a jurisprudence that is grounded in justice and preservation of faith, social integration, and neither isolation nor assimilation. This was the act rather than speaking of change formally, of doing things in so far as the dichotomy of the world in accordance to *dar al-Islam* (abode of Islam) and *dar al-harb* (abode of war) previously utilized up till that time to explain what was actually happening in the live experiences of Muslims in secular democracies were never to be used again (al-Qaradawi, 2001). On the reorganisation of Western societies as *dar al-ahd* (abode of covenant), in which a peaceful coexistence and contractual obligations can coexist without undermining Islamic identity, al-Qaradawi and others provided a theological explanation as to why they agree that peaceful coexistence and contractual obligations need not interfere with full civic participation.

Issues of Law of the Muslim Minorities in the Contemporary Democracies

A complex of legal and ethical questions is provoked by the lived experience of Muslim minorities in secular democracies. Though freedom of religion is often guaranteed by liberal democratic states, secularism logic privatises religion and limits its authority in the state. Asad (2003) believes that secular government actually produces a rather special model of religiosity, a model that is simultaneously individualised, apolitical and culturally domesticated. As he explains, “The modern state defines and regulates religion, confining it to the domain of belief and private practice” (p. 181). In this model there is frequently a tension between Muslims whose religious identity leaks beyond the personal into the collective, into rituals, into family law, into economic actions and the presence of Muslims in the community. Such tensions are one of the primary issues that Fiqh al-Aqalliyyat is supposed to sort out.

It is one of the most controversial spheres according to the family law. In the majority of West legal frameworks, Islamic standards are inconsistent with the legislations regarding marriage, divorce, inheritance and custody. Certain of these practises including polygyny, division of inheritance shares, and divorce practises which are endorsed by religion are restricted or non existent under a secular jurisdiction. In indicative meanings, religious arbitration councils have not been acknowledged in at least France or Germany. In the UK, however, Shariah councils operate in a limited field but face criticism. As Manea (2016) observes, “Far from empowering women, Shari'ah councils in Britain often reinforce patriarchal norms, pressuring women to reconcile with

abusive husbands or forgo their rights” (p. 97). In more pluralistic environments, such as the United Kingdom, Shari‘ah councils are operating within a very limited field but face growing criticism. As Siddiqui (2013) notes, “Shari‘ah councils in Britain function in a fraught environment, caught between accusations of undermining gender equality and demands to preserve religious identity” (p. 142). Other people have suggested justice and good context-based interpretations of laws governing inheritance and characterised these reinterpretations as extensions of Islamic ends rather than denial of Islamic purposes (Kamali, 2008).

The other key challenge is financial practises. Economic ethics in Islam are based on the prohibition of *riba* (usury or interest) although the economic system of the Western countries is also based on interest. Muslim minorities are thus finding it a challenge to get housing, funds to finance their education or even a business. Where there is no viable Islamic financing alternative, reflecting the Prophetic principle: *إِنَّ الدِّينَ يُسْرُ* — “Indeed, the religion is ease” (Ṣaḥīḥ al-Bukhārī, Book of Knowledge, Hadith 39). Is it sufficient such rulings invoke the loose cloth of minority jurisprudence to raise objections advantageous to a normalisation of increased trade-offs already prohibited by the foundations of Islamic taboos? According to the critics, this continued contemporary state of need can be the source of law of need (Fiqh al-Aqalliyyat) in place of a law of principles (Hallaq, 2013). The other area of politics that leaves questions is whether a person can participate in secular structures of governance. In the scope of classical jurisprudence, it is not recommended to form any alliances with non-Muslim regimes when the situation is hostile, and the realities of citizenship in secular democracies need to be revisited. Others have opined that, not only is it not forbidden but that it is also necessary that voting and running to be elected and civic activities be practised to defend the religious freedoms and advance the interests of the community (Qaradawi 2001). These theologians provided theological legitimization to the existence of Muslims in democratic procedures through the re-naming of Western states as *dar al-‘ahd* (abodes of covenant), recalling the Qur’anic command: *يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ* — “O you who believe, fulfil all covenants” (Qur’an 5:1). Some circles still deny participation in politics, viewing it as compromising Islamic governance. As March (2009) observes, “Islamic jurisprudence on citizenship must confront the challenge of reconciling loyalty to the state with loyalty to the *umma*” (p. 45).

Public religious expression can be used to demonstrate the hardships of being a minority, as well. A secular law debate is often about symbolic issues such as the hijab, halal slaughter, construction of mosques and religious holidays. One instance of how secular states sometimes prioritise the social cohesion of the states they belong to over their freedom of expression is the prohibition against conspicuous displays of religion in state schools in the European Court of Human Rights (Hunter-Henin, 2012). These are constraints, which causes Muslim groups to be skeptical of the likelihood that mitigating eminence involvements can actually turn into formal taboos or the danger possible of marginalisation the aim to be recognized as the one of religion. Fiqh al-Aqalliyyat is an attempt to work around this ground by determining which practises may be negotiated, situations in which contextual variation is tolerable, and those that cannot, e.g. prayer or modest dress, and which are essential even in extreme circumstances. It is an issue of facilitation (*taysir*) whereby it is expected to offer workable solutions without undermining any of the main commitments.

These legal problems, taken together, constitute the dual demands of the minorities of Muslims: the demands of secularism as an institution and the demands of the loyalty of religion. Forced bargains on this basis may also be proposed on the ground of necessity, the interest of the people, *maqasid al-shari‘ah*, yet its success will depend

upon the weight given to bending and principle. The threat of both extreme rigidity and extreme accommodation are the expulsion of Muslims out of their civil space and the destruction of religious identity respectively. The art of this jurisprudence, then, is to provide the subtle, situational advice that is both integrative and integrating.

Jurisprudence of Ijtihad and Jurisprudence of Maqasid al-Shariat

Without the renewal of ijtihad and the reestablishment of maqasid al-shari'ah, which have become the concern of modern thought concerning Islamic law, nothing can be done to develop Fiqh al-Aqalliyyat. Ijtihad was traditionally the system according to which the jurists made rulings, not directly on the basis of any textual material in either the Quran or the Sunnah, but on the basis of consensus (ijma) and analogical reasoning (qiyas), and other techniques. But over time there grew a certain inclination of thought towards what may be called the closing of the gates of ijtihad, and a predominance of taqlid, or submission to the traditional schools of law. Although the accuracy of this version is questioned by recent scholarship (Hallaq, 1984) there can be no doubt that the late modern era is marked by the revival of the call to ijtihad as the Muslim world found itself in new circumstances, particularly those involving minorities, where the classical rulings lacked much relevance. This is also theoretically advanced by Taha Jabir al-Alwani, who held that the basis should be shared reasoning (ijtihad jama'i), and that one should not continue to adhere to a single jurist. As he explained, "Minority fiqh must be based on collective ijtihad, not on individual opinion, with the participation of both jurists and specialists in other sciences" (al-Alwani, 2003, p. 25).

The institution of ijtihad is not a discretionary tool of jurisprudence and is a compulsion. The special treatment of Muslims in secular democracies will create an environment that has never before existed, like what to do about non-Islamic political regimes, whether to use interest-based mortgages in cultures that are not Islamic, or how to react to a government-imposed ban on religious expression. The institutionalisation of ijtihad is thus a notable methodological modification, reflecting the Qur'anic principle: وَمَا جَعَلْ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ — "He has not placed upon you in the religion any hardship" (Qur'an 22:78).

The second element, adjacent to ijtihad is its counterpart maqasid system, which provides the ethical orientation of the minority jurisprudence. Other classical theorizers like al-Ghazali and al-Shatibi have argued that the law is meant to protect 5 necessities: religion, life, intellect, progeny and wealth. These aims were then expanded by Ibn Ashur (2006) to embrace human dignity and freedom and to highlight the moral vision in Islamic law. The reason to justify the switching of the classical rulings to minorities is maqasid. Religion and community interests have been re-packaged in ways that enable such participation in a democratic election to be regarded as unacceptable by some scholars. Similarly, it is plausible to authorise conventional student loans within the context of preserving intellect (hifz al-'aql) and ensuring access to education, particularly when no alternatives exist. As Opwis (2005) explains, "Maṣlaḥa has evolved into a flexible principle that allows jurists to adapt the law to changing circumstances while maintaining fidelity to the higher objectives of the Sharī'a" (p. 182). In making Islamic rulings, jurists at least make them faithful and functional by laying more stress on higher objectives.

There is the objection, however, of relying on maqasid. Some scholars believe that overemphasis on objectives will cause subjectivism because jurists will select and choose maqasid to ensure they arrive at a predetermined outcome. Hallaq (2009) warns, contemporary uses of maqasid are not necessarily as methodologically rigorous as the classical theory of law, and hence it has become a rhetorical tool. Others still say that maqasid cannot be

permitted to stand alone and cannot be used as a source of law. Abou El Fadl (2001) also criticises what he refers to as authoritarian pragmatism where invocation of maqasid is done without any tangible justification and therefore the law loses its credibility. In the face of objections like these, discipline in practise is badly needed, and this it is, maqasid needs to be exercised as a regime of principled flexibility, instead of the accommodatory Leibnizianism that it occasionally implies it should be practised.

The second feature of *ijtihad* and maqasid in minority jurisprudence is that it is used to distinguish between fixed and variable aspects of the Islamic law. Theological dogma and original prohibitions are fixed, but rulings on social, political, and economic matters must be adjusted to context. The contrast helps minority jurisprudence to cling to the fundamentals of Islam while adjusting to social realities. As Kamali (2008) points out, “The Shari’ah distinguishes between its immutable rulings, which are founded on definitive texts, and its flexible rulings, which admit of change according to circumstance and public interest” (p. 24).

In this way, Muslim minorities can become contributors to wider moral discourse, in line with the Qur’anic imperative: *إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ* — “Indeed, Allah commands justice and excellence” (Qur’an 16:90). Muslims can not only be the beneficiaries of accommodation if they frame their arguments on justice, mercy, and human dignity but they can also contribute to the moral discourse around issues such as bioethics, digital governance, and environmental stewardship. It is the same externalist reformulation of the Fiqh al-Aqalliyyat that places the defensive vantage of the Fiqh on the offensive with socially extended implications (Fadel, 2014). In this way, the minority jurisprudence revitalises the Islamic law as a living tradition that will solve the problem of contemporary pluralism.

Case Studies Jurisprudence of Muslim Minorities in Practise

When it is contrasted with the actual predicament of the Muslim minorities, the most obvious manifestation of Fiqh al-Aqalliyyat is. These case studies reveal the versatility of this jurisprudence, but also its boundaries, and the greater debates of authenticity, identity and integration. The dynamic and disputing quality of this area is illustrated in four ways: finance, family law, political participation and expression of religion by the people. Marriage, divorce and inheritance is also an issue in secular democracies with large Muslim populations, especially where the state laws do not correspond to the Islamic norms. Sharia councils have emerged as well in United Kingdom and are once again attempting to find solutions to such disputes in a religious setting, including granting Islamic divorces to women whose marriages are not yet legally recognised by secular courts (Bano, 2012). A maqasid has also been employed by jurists who have attempted to provide jurisprudence in the guise of Fiqh al-Aqalliyyat in order to make a compromise between the obligation to follow Islamic processes and the need to promote fairness and justice, and in many cases have encouraged Muslims to marry under the civil authorities whilst still insisting on religious requirements. This we shall found our two pronged solution, and on this we shall found our two pronged solution, which is, that there is no impossibility that the two worlds in communal self-determination and legislation of states need not bind each other together.

The arguments on Fiqh al-Aqalliyyat have also been based on political participation. The tradition among Muslims living under non-Muslim rule was not to participate in politics on a grand scale, but the realities of citizenship in secular democracies dictate new approaches. Qaradawi (2001) and other scholars have argued that when it is expressed to serve the interest of religion and the welfare of the community, it is agreeable, even obligatory, to vote, to remain in the office and even to make coalitions. Muslim interest groups such as CAIR

(Council on American-Islamic Relations) have used this argument in the United States to encourage people to vote in elections and other civil duties. Other more conservative scholars have also warned meanwhile that political activism will have a general negative tendency of undermining Islamic values especially in cases where the Muslims are supposed to favour some policies which are against the shari'ah (March, 2009). Such an argument is central to the context-oriented *ijtihad*, i.e., interactions are not perceived to be assimilative, but rather a means to bring rights and policies to bear that render the everyday good possible.

The other final aspect of case study is the manifestation of religion in the open space, particularly in circumstances when secular laws restrict practises of religion that are visible. The power of Muslim identity in secular democracies has been tested in France through the law against wearing the hijab in state schools and the ban on the face veil in the open spaces. Where some jurists have encouraged Muslim women to submit, lest they be marginalised, some feel that the nature of religious commitment is undermined by abandonment of obligatory practises. Here, the right to balances (*muwazanat al-mafasid*) is superposed with respect to the right created by the ire due to social ostracism whereas the ire due to failure to do duty to faith is established to be identical to the ire created by social ostracism (Hunter-Henin, 2012). The predicament raised by this discussion is the dilemma of minority jurisprudence: how to continue to carry critical commitments and yet still be involved in societies which sometimes view public religiosity as a threat to coherence.

Fiqh al-Aqalliyyat has its Critiques/Weaknesses

Despite the practical solutions offered by Fiqh al-Aqalliyyat to Muslim minorities to help them lead a life in secular democracies, the book has received a good share of criticism among and outside the Muslim academic fraternity. These have been critiqued due to their methodological consistency, the obscurantism of opportunism, the issue of identity, along with an overall question of whether such a jurisprudence might be in authentic terms Islamic and address the pluralist realities of modernity.

Such criticisms include the methodological coherence of minority jurisprudence. Its adversaries have accused it of adopting as its foundation *ibtiḥād* and *maqasid*, which, as part of an alleged justification, serve to justify it, and which expose it to eclecticism or a selective variety of thought. They are once again the ones under the threat of being accused of committing a jurisprudential bricolage that cripples the power of Islamic law precisely because their decisions are equally frequently purpose-directed as they are text-prescription-directed (Shah, 2014). Effort to convert to Fiqh al-Aqalliyyat Hallaq (2013) warns that minority jurisprudence risks becoming merely accommodationist. As he states bluntly, “The modern state is structurally incompatible with the moral law of Islam” (p. ix). Hallaq is not the strength of the law of Islam, but its progressive deterioration as it gives way to the law of the third world, the law of state and liberalism.

The second set of problems is related to the concept of opportunism. Because so many decisions have already been made on the basis of necessity (*darura*) or hardship (*haraj*), there is a concern that eventually the Muslim will learn to perceive such dispensations as convenience loopholes, but not special dispensation. Put simply, as El-Gamal (2006) notes, repetitive use of necessity clauses in financial transactions leads to normalisation of transactions based on interest, which is contrary to the Islamic taboo of *riba*. Similarly the action authorising the contribution of politics or developments toward designing specific patterns of religious manifestation can be viewed as neither a concession in good faith but as the noncompliance with secular norms. The other

apprehension to which this criticism alludes, is that minority jurisprudence, in its quest to secure survival and integration, can, as an unwelcome by-product, result in gradual assimilation and the loss of Islamic identity.

It is also a discreditable issue regarding the representational validity of institutions that are allowed to issue fatwas on behalf of Muslim minorities. Some formidable work has been done by financial institutions, such as (but not limited to) the European Council of Fatwa and Research or the Fiqh Council of North America, although without much success in making their mandate universal. Some Muslims perceive them as excessive in acceding to the demands of western politics, and others perceive them as not reflecting local concerns. The question remains, is it possible that Fiqh al-Aqalliyyat will ever receive a broad consensus or is it always going to be a contest between different schools of Muslim thought: traditionalists, reformists, Salafis, and Islamists, none of whom can settle on the life of the minority (Bano, 2012).

In more general, theoretical sense, postcolonial theorists state that the very order of minority jurisprudence is likely to reinforce the cause of secular liberalism. It is through this, they say, that Muslim jurists can inadvertently legitimise the hegemony of a system that expels religion to the domestic sphere by adapting Islamic law to the prerogative of secular democracies (Asad, 2003). Instead of trying to contradict the terms of secular rule, Fiqh al-Aqalliyyat is inclined to accept them as the parameters within which Muslims are expected to operate. That leads to a more significant question; is minority jurisprudence transformative or is it merely a means to ensure that Muslims can survive in a system where religion continues to be marginalised?

Meanwhile, feminist critique indicates how minority jurisprudence will look like regarding unequal gender usage. In this sense, the British Sharia councils were coerced into forcing women to forgive in abusive marriages or deny women equal treatment in seeking divorce settlement (Manea, 2016). Although their supporters feel that such councils provide basic services to Muslim women, opponents feel that, without these powerful safeguards, minority jurisprudence would recreate the institutions of patriarchy, in the guise of religious authority. The rationale behind those objections is that gender justice should be extended to the maqasid model in order to ensure that bending reinforces inequality.

Despite such limitations, the authors of Fiqh al-Aqalliyyat observe that the criticism provides evidence that Islamic legal reasoning is not a dead science. The fact that jurists continue to argue about the methodology, legitimacy, and scope is an indicator of the long-standing dynamism of fiqh as a tradition. In addition, a large share of the criticism, of opportunism, of identity, of secular hegemony, can be re-conceived as the pressure that is mobilising minority jurisprudence into a higher level of coherence and integrity. It is solely in relation to responding to the requirements of methodological rigour, candour in his propositions and introducing the discourse with an ethical attitude, including gender justice and social equity, that Fiqh al-Aqalliyyat could overcome the accommodative path and develop a sustainable vision of Muslim minority.

In other words, the weakness of Fiqh al-Aqalliyyat refers to its medium nature. It is still immature, developed by necessity but with the goals of maturity. Whether it will be more a systematic legal paradigm or a sequence of ad hoc reactions, whether it will be able to balance flexibility and principle, integration and identity, pragmatism and loyalty to the Islamic legal tradition.

An approach to practical necessity, its disposition, is emphasised in the science of Fiqh al-Aqalliyyat; and also its conceptual plasticity

The other bright avenue is the integration of issues of morality beyond the historical survival and necessity questions. As Auda (2008) reminds us, “Maqasid is not simply a tool for legal adaptation; it is a philosophy of renewal, linking law with justice, rights, and human dignity” (p. xix). Just a few of the challenges that are beginning to shape the moral terrain of pluralistic societies are gender justice, environmental ethics, digital privacy, and bioethics. The Fiqh al-Aqalliyyat can reposition itself as a protagonist in these larger discussions by exploiting the maqasid values of human dignity, protection of life and protection of the environment. Due to the advent of digital connexion and migration, the majority-minority situation is increasingly becoming vague.

The transnationalism of Muslim life also requires a rethinking of the minority jurisprudence. This indicates fluidity, which means that Fiqh al-Aqalliyyat cannot be confined to geographic minorities but must be reconceptualised as international jurisprudence serving Muslims who are negotiating secular modernity in new contexts. In London, Toronto and Paris, a Muslim can at once by digital connections be in contact with a community in Cairo, Jakarta and Lagos, and they too will have shared experience of moral dilemmas which will lead the minority jurisprudence to stage which will render most people less useful than minority people (Fadel, 2014). Last but not the least, Fiqh al-Aqalliyyat has been among the most original and disputed recent tendencies in Islamic jurisprudence.

Conclusion

Fiqh al-Aqalliyyāt has emerged as one of the most original and contested developments in modern Islamic jurisprudence. Rooted in the flexibility of classical fiqh yet challenged by the realities of secular democracies, it seeks to preserve Islamic identity while enabling civic engagement and coexistence. Its reliance on *ijtihad* and *maqāṣid al-sharīʿah* offers valuable tools for addressing contemporary issues such as finance, family law, political participation, and religious expression, though critics warn against eclecticism, opportunism, and loss of coherence. Moving forward, its credibility will depend on methodological rigour, inclusiveness, and attention to ethical concerns such as justice, dignity, gender equality, and environmental responsibility. If developed with these priorities, minority jurisprudence can evolve from ad hoc dispensations into a principled, forward-looking paradigm that contributes not only to the wellbeing of Muslim minorities but also to the moral and spiritual climate of pluralistic societies.

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