

Fiqh al-aqalliyāt: Zum Konzept eines islamischen Minderheitenrechts

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The idea of *fiqh al-aqalliyāt*, a specific interpretation of Islamic law for Muslims living as minorities in Western societies, is a subject of great controversy among Islamic scholars. As a result of the migration of so-called ‘guest workers’ and refugees from predominantly Muslim countries to Europe and North America from the 1950s onwards, millions of Muslims today live in non-Muslim societies. Since the 1970s, the prevailing idea of a *temporary* stay has been superseded by the fact that the vast majority of these Muslims live *permanently* in non-Muslim countries. Consequently, there has been growing consciousness of a need for religious institutions and counselling, addressing the evolving circumstances of the communities concerned. Responding to these developments, Islamic scholars in Muslim as well as in Western countries have been developing concepts of an Islamic jurisprudence aimed specifically at these Muslim minorities since the 1990s.

Advocates for *fiqh al-aqalliyāt* argue that it is designed to ease and facilitate the lives of Muslims living in minority contexts and thereby to promote a positive image of Islam in the West. On the contrary, critics often disapprove of Muslims residing permanently in non-Muslim societies and thus reject the idea of a jurisprudence specifically catering to the needs of Muslim minorities. These scholars claim that Islamic law is universal and cannot therefore be interpreted differently according to geographic boundaries, whether embodied in topography or in political consciousness.

Taking into consideration both the proponents as well the critics of a jurisprudence for Muslim minorities, this PhD project aims to analyse the significance of territoriality in the context of the discourse relating to *fiqh al-aqalliyāt*. The research will explore the contours of the relevant debates and how they reflect the worldviews of the scholars concerned – e.g. dichotomising the world into *dār al-islām* vs. *dār al-ḥarb* or conceptualising it as an all-embracing *dār aṣ-ṣulḥ* or *dār al-‘ahd*. By analysing these debates, this thesis will elaborate on how these disparate conceptions of the world posited by both the advocates for and critics of *fiqh al-aqalliyāt* affect the manner in which the Muslim minority context is understood. In doing so, this research project will provide insights into the growing body of discourse among Islamic scholars about the (de-)territorialisation of the applicability and interpretation of Islamic law in the context of increasing numbers of Muslims living in predominantly non-Muslim societies.