



Hayreddin Karaman

A Reference Point in Turkish Islam and his Influence in Europe

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ABSTRACT

Hayreddin Karaman, “the muftī of muftīs (teacher of teachers),” is one of the most revered scholars in contemporary Turkish theology. This article argues that Karaman’s authority rests on three pillars: the applicability, and accessibility of his thought, the fruits of his perception of Islam, especially his approach to contemporary issues using Islamic jurisprudence (fiqh). Karaman’s starting point is ijtihād, i.e., the possibility and even the necessity of independent reasoning. Karaman relies on traditional literature and methodology that is applicable in the present. His solution-oriented mind seeks practical answers to how contemporary Muslims can live their religion and prosper in a non-Islamic public sphere. His work addresses the challenges of this sphere, including the concerns of contemporary Muslims. This study also uses particular findings of the fieldwork the author conducted in the Netherlands.

Keywords: *Karaman, fiqh, Islamic jurisprudence, ijtihād, fatwa, Turkish theology, Islamic movement, taqlid*

**Hayreddin Karaman’ın Fıkıhı ve Avrupa’daki Türk Müslümanlığı
Üzerindeki Etkileri**

ÖZ

Hocaların hocası Hayreddin Karaman öğrencileri ve eserleri sayesinde Türk ilahiyatında hatırı sayılır bir yere sahiptir. Bu makale Karaman Hoca’nın dini otoritesinin sacayağının güvenilirlik, uygulanabilirlik ve erişilebilirlik olduğunu öne sürmektedir. Karaman’ın çıkış noktası içtihat, içtihadın imkânı, hatta icabıdır. Karaman’ın geleneksel literatüre ve usûle dayanan fıkıhı aynı zamanda şimdi ve burada tatbik kabiliyetini haizdir. Hoca’nın çözüm odaklı zihni, günümüz Müslümanlarının yüzde yüz İslami olmayan bir kamusal alanda dinlerini azami derecede nasıl yaşayabileceklerine dair pratik cevaplar aramaktadır. Müslümanların her yerde ve her zaman dinlerini yaşamalarının imkanını esas alan Karaman, ömrünü İslami hayatın yaşanabilirliğini göstermeye adanmıştır. Bu çalışma aynı zamanda Hollanda’da yapılan saha çalışmasının belirli bulgularını da kullanmaktadır. Saha çalışması Hollanda’da görev yapan Türk imamlarının dini sorulara cevap ve sorunlara çözüm bulma konusunda başvurdukları temel referans kaynağı olarak doğrudan veya dolaylı olarak Karaman’i, eserleri ve öğrencilerini esas aldıklarını göstermiştir.

Anahtar Kelimeler: *İslam hukuku, Hayreddin Karaman, fıkıh, içtihat, taklid, fetva.*

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Introduction

Hayreddin Karaman (Çorum,1934) is one of the most revered scholars and influential religious leaders (*‘ālim*) in contemporary Turkish theology and *usul al-fiqh*. As an influential religious figure, he advocates abandoning the method of *taqlid* (imitation) and practicing that of *ijtihād* (independent reasoning) (Onay, 2010). He is not only an academician but also an activist in his efforts to influence and shape the religious and intellectual landscape of Turkey, his involvement in educational initiatives, and his active participation in theological debates and controversies. Karaman used his academic career in *fiqh*, his network of students at Imam Hatip schools¹ and divinity schools, as well as his publications, classes, and conferences as “instruments of the Islamization of Turkey” (Şentürk, 2010). His starting point is *ijtihād*, the possibility and even the necessity of independent reasoning in Sunnī Hanafī Islam, of which Karaman himself has argued that the door of *ijtihad* had been closed for the last thousand years with no *fatwas* or *ijmās* issued during that time (Karaman, 1975). In calling for the door of *ijtihād* to be reopened and Islam to be renewed (*tajdid*), he follows Ahmed Cevded Pasha,² Jamaladdin Afghani,³ Muhammad Abduh,⁴ Muhammad Rashid Rida,⁵ Mehmet Akif Ersoy,⁶ Elmalılı Muhammed Hamdi Yazır⁷ and other leading scholars and intellectuals of the 19th and early 20th centuries.

Karaman’s *fiqh* relies on traditional literature and methodology that is applicable in the present. Karaman's approach to *fiqh* is rooted in traditional Islamic literature and methodologies, emphasizing their continued relevance and applicability to contemporary contexts. He draws on the rich legacy of Islamic jurisprudence, maintaining that the principles and methods derived from historical sources are not only historically grounded but also possess enduring validity in addressing present-day legal and ethical challenges. His students, books, and later his website and he himself personally are accessible. He has never served as President of the Diyanet or Religious Affairs (PRA), but his ideas and methodology have been just as influential, if not more so. In this article, I will argue that, as the ‘teacher of teachers’, Karaman’s authority primarily acknowledged and respected among contemporary Islamic scholars, jurists, and academics, rests on three pillars. His perception of Islam, especially his approach to contemporary issues from the perspective of Islamic Jurisprudence (*fiqh*), is reliable, applicable, and accessible. I will first outline the general framework of Karaman’s *fiqh* (understanding, *fatwas*, and solutions) as a

mujtahid. Then I will explore the applications and some reflections based on this framework in the following sections. In addition to the literature study, this article is also based on my fieldwork conducted in the Netherlands between 2005 and 2010, including an initial survey of 73 imams, several semi-structured interviews with 13 imams and other actors, participant observation, and focus group discussions.

His influence on the religious life of Turkish Muslims in Europe is also apparent. All local imams I met during my fieldwork in the Netherlands mentioned Karaman and his publications and website as one of their primary sources in answering religious questions and counseling, and most of them even cited him as their first source. This is not surprising because Karaman is also the most trusted religious authority in Turkey. Turkish imams in Western Europe reflect Turkish religious perceptions, and the Turkish diaspora in Western Europe is unique in using him to reflect their perception of Islam. Other Sunnī Muslim minorities in Europe do not have a singular religious figure as a final authority accepted by most other religious groups.

From this, a picture will arise that firstly affirms how Karaman has been advocating renewing Islam within the tradition while applying this principle to contemporary issues (*reliability*). Secondly, it will show how Karaman works in a solution-oriented way (*applicability*). And thirdly, that Karaman's *fatwas* and solutions are accessible to anyone, scholars or ordinary people (*accessibility*), not only in Turkey but also among the Turkish European diaspora and globally.

Reliability

Karaman advocates renewing Islam from within the tradition and applies this principle to contemporary issues. He does not abolish the tradition but reinvents it in a new context. In technical terms, he applies classical methodology, *usul al-fiqh*, to contemporary issues. His loyalty to classical methodology makes his *fiqh* even more reliable in the eyes of many Turkish leaders of Islam. At the same time, he explains the details of his argument in his publications, classes, and speeches. This method is similar to that used by the great Imam Abu Hanifa (d. 767) and other *mujtahid* imams. Still, it was very unusual for the *taqlid* (imitation) periods when *the sheikh al-islam* (chief *mufī*) or the provincial *mufī*s of the Ottomans hardly ever offered any argument of their *fatwas*.⁸ Exceptions were rare, and Karaman's open-source *fatwas* have transformed this exceptional practice into the

norm for issuing a *fatwa*. Karaman welcomes and respects diversity in the opinions and methodology of the scholars. He primarily uses the Qur'an and Sunna according to the hierarchical order of sources and uses classical methodology without totally disregarding the historical *fiqh* studies and literature.

Applicability

Karaman works in a solution-oriented way. He encourages contemporary Muslims with respect to the possibility of living an Islamic life in a non-Islamic public sphere. His concept of “living religion in a secular system” is based on accepting the possibility of living an Islamic life anywhere, any time. He takes the general principles of *usul al-fiqh* into account, along with Islam's primary sources, i.e., the Qur'an and the Sunna of the Prophet Muhammad. He refers to *darura* (necessity). He also introduces a new concept in methodology, “the social necessity” (*al-dārūra al-ijtimā'yya*). He points to the difference between the ideal world of “making *fiqh*” and “issuing a *fatwa*” on the one hand and the attempt to find a solution within the reality of individuals and society on the other. For example, designing an interest-free mortgage system would be an example for “making *fiqh*,” whereas advising a Muslim who cannot buy a house without paying interest in his country would be an example of issuing an applicable *fatwa*. Karaman counsels some Islamic financial institutions as a *fiqh* advisor contributing to designing an interest-free system. Likewise, he issues *fatwas* allowing some Muslims who have no other option to buy their first home, even with a bank loan.

Accessibility

Karaman's *fatwas* and solutions are accessible to anyone, scholars or ordinary people. His publications are not limited to *fiqh* but cover a wide range of Islamic knowledge from Qur'anic exegesis to teaching Arabic. He is part of a network he helped establish, the Imam Hatip generation, which includes President Erdoğan and several ministers. He is the teacher of teachers for this generation and devotes most of his time to answering people's questions directly via telephone, e-mail, and newspaper. He has been teaching, speaking, and issuing *fatwas* for half a century. After the onset of the internet age, he also began using the internet effectively. Most of his books and *fatwas* are available on his internet website: www.HayrettinKaraman.net.

Karaman's Early Life and Career

Karaman was born on February 24, 1934, in Çorum, a central province of Turkey. His father, Nureddin Bey, a blacksmith, came originally from Erzurum, an eastern province. His mother, Mehpare Hanım, a housewife, was an immigrant from Georgia - Russia, a Meskhetian Turk (a small Turkish minority in Georgia- Russia). Karaman's maternal grandfather only attended the *madrasa*, a classical school of theology during Ottoman times.

According to Kılavuz,⁹ who wrote his detailed biography (Kılavuz, 2013), Karaman's interest in religious subjects stemmed mainly from childhood family ties. Hayreddin grew up in a religious atmosphere, in a family, social circles, and a district known for publicly reciting traditional scholarly books. People were mostly illiterate and uneducated, and only the educated could read and recite the well-known texts in the pre-TV/pre-internet age. This popular oral tradition was like public education for illiterate people in Turkey. The curriculum included *siret* (the life of Prophet Muhammad), Battal Gazi and Ebu Muslim Horasani¹⁰ (historical figures, heroes in Islam, and their adventures), Ahmediye and Muhammediye¹¹ (the life of the Prophet in poetic form).

Although Karaman was interested in religious subjects and had a somewhat religious upbringing and cultural exposure to religion, his formal introduction to religious education started relatively late, at the age of 18, when the first Imam Hatip schools opened in modern Turkey. The young Hayreddin enrolled in the Imam Hatip school in Konya, one of eight clerical schools at that time. He took private lessons from prominent scholars in Konya: Mufti Abdullah Ulubay, Hacı Veyissade, Ahmed Efendi. After the Imam Hatip school, he enrolled in the Istanbul Institute of Islamic Sciences (*Yüksek İslam Enstitüsü*) and also audited several private courses and learned Persian from Arif Etik and Arabic poetry from Yusuf Cemil Ararat.

Karaman was both a student and a teacher in the free public education circles. He taught classmates and ordinary people in the open schooling atmosphere cultivated in a secular setting. His social activism began at that and culminated in trailblazing writings and articles published in *Nesil Magazine*. Karaman was one of the founders of ISAM (the Islamic Research Center) that published the first encyclopedia of Islam in the Muslim world. He also oversaw the academic program of the Center. Karaman is also a poet, and

his poems have been published in book form, and some have been turned into hymns by various composers. In many ways, Karaman was instrumental in educating the entire *Diyanet/ilāhiyat* generation. After working for 40 years as a professor at Marmara University, he retired in 2000.

Renewal From Within The Tradition

Abu-Suud Efendi (d. 1574) was the most celebrated *sheikh al-Islam*, chief *mufti*. He was called Abu Hanifa II because he used independent reasoning in some *fatwas* when the door of *ijtihad* was still tightly closed in the Sunnī-Hanafī Ottoman period. Sheikh al-Islam Abu-Suud used the classical methodology, *usūl al-fiqh*, to offer new solutions when the opinions in *fiqh* manuals did not apply or were not compatible with the present needs of society. Thus, his renewal work was limited by traditional methodology of *fiqh*.

Karaman followed in Abu-Suud's footsteps of in renewing *fatwas* within the boundaries of tradition. For that reason, we can call him Abu Hanifa III. "There is no single problem we cannot solve using classical *usul* methodology," said Karaman (2010b). According to Karaman, classical *usul* was indirectly approved by the Prophet Muhammad. His companions used this methodology in their *ijtihāds* and *fatwas* when the Prophet was still alive. The power of Karaman's *fatwas*, however, lies in their arguments. In the past, at least during the classical Ottoman times, a *fatwa* was mainly a simple "yes" or "no." With Karaman, a *fatwa* also became a "why" and a "because." Even though Karaman's arguments always remained within the boundaries of tradition, he followed *mujtahid* imams rather than repeating their solutions that did not tolerate any critical approach. His place with respect to tradition is unique: between solid traditionalists and progressives.

Is Karaman a traditional scholar or a modern one? In the 1990s theologians discussed this question vehemently. One of his students, a professor of Islamic law, Ferhat Koca, was thinking Karaman was progressive once but changed over time and is now a traditionalist.¹² But Karaman asserts that while his positions are still the same, Turkey has changed rapidly. He adds:

"In the sixties and seventies, people thought I was a progressive. But they think I became a traditionalist in the eighties because they changed. Turkish society changed. My line remains the same, and my position is the same. In the seventies,

my ideas were perceived as progressive. The same ideas were perceived as traditional in the nineties”.¹³

According to his student Şentürk, Karaman’s intellectual struggle was with three groups: 1) secularists who advocated the Westernization of the country; 2) conservative traditionalists who defended the static imitation concept of *fiqh*; and 3) modernist theologians who advocated reform for Islam based on historicism in explaining the Qur’an and Sunna.

All three groups countered Karaman’s arguments in rebuttals. He was conservative according to the secularists; a reformist and a modernist according to the traditionalists, and, according to the modernist theologians (mostly from University of Ankara) maintained that Karaman was a typical conservative traditionalist. Şentürk, however, argues (2010) that “Karaman followed a *sui generis* path among these three different movements, and his way is balanced and consistent.”

Karaman was accused of thinking outside the box and “breaking the mold” (renewing Islam) in the 1970s, but, since the 1990s, he has been accused of being too reserved (traditional). He says that he has maintained the same line of thinking and that it was society that changed and changed rapidly.¹⁴ What sets Karaman apart from his generation is undoubtedly his position of defending renewal (*tajdīd*) and *ijtihād*, as well as his *ijtihād* practices in solving some religious problems. He has had a visible effect on the generation of Imam Hatip and *Ilāhiyat* (faculty of theology) graduates through his studies and his students. Undoubtedly, he has also been influenced by the philosophy of Islamic unity proposed by Afganī, Abduh, and Rashid Ridavia figures like the national poet Mehmet Akif Ersoy and the leading Turkish scholar Said Nursī (d. 1960).

Karaman chose *ijtihād*, or independent reasoning, as the subject of his thesis for becoming a professor at the Institute of Islamic Sciences in Istanbul in 1974.¹⁵ *Ijtihād* was a controversial issue, and writing a thesis on the subject was not welcomed by traditional scholars. But Karaman told Ömer Nasuhi Bilmen, the former president of Diyanet and his supervisor,¹⁶ “I would like to write my thesis on *ijtihād* to demonstrate that the conditions of *ijtihād* are so difficult and attempting *ijtihād* is such a ‘great’ (*azīm*) issue.”¹⁷ Bilmen approved the subject, and Karaman wrote about *ijtihād* and *taqlīd* in Islamic jurisprudence from its beginning for four centuries on (Karaman, 1975).

The issue of *ijtihad* revealed a conflict between the religious thinking of the old and young generations (Bedir, 2004). A controversy arose between Ahmed Davudođlu (d. 1983), and Hayreddin Karaman in the 1970s – a typical example of the clashing religious views in the fledgling Turkish academic theological institutions. Davudođlu held that the phrase *kabul ediyorum* (English: I do accept; Arabic: *aqbalu*) used during a civil marriage ceremony does not satisfy the conditions for Islamic marriage. He claimed it “does not comply with the special form of a word used to express legal declaration in Islam” (*al-sīgha al-shar’iyya*). Consequently, he argued that civil marriages (*belediye nikāhı*) were invalid. He contended that the present tense in Turkish made the parties’ consent and agreement to the marriage uncertain. Instead, he claimed, they would have to say *kabulettim* (in English, this corresponds to “I have accepted” in the present perfect tense, which is used for acts started in the past and continuing into the present). In contrast, Karaman said that *kabulediyorum* in Turkish is definitive, unlike Arabic *aqbalu* in the present continuous (*mudārī*) form. Consequently, he argued, civil marriages were valid. The practical implications of this difference in opinion would be sweeping. While Davudođlu’s interpretation would render most marriages null and void according to Islamic law, Karaman’s *fatwa* would keep people who are married in a civil ceremony within the legacy of Islam. In a book devoted to the struggle with the “destroyers of religion under the pretense of renewal,” Davudođlu accused Karaman of heresy, mainly because of his approach to *ijtihad* (Davudođlu, 1974). He declined to discuss this issue with Karaman directly when they met at a religious feast later.¹⁸

This example is one of more in which Karaman issued “open-source” *fatwas* with arguments, providing evidence and a methodology. In doing so, he became a leading scholar of his generation. Before this generation, asking for or giving an argument for a *fatwa* was unthinkable. All *fatwas* were already written in the “black book,” a Turkish metaphor for trusted canonical *fiqh* manuals. Besides his authority as an expert, the *muftī* would assume equal status with the inquirer (*mustafti*) in the eyes of primary sources should arguments be offered and methodology disclosed.

Meanwhile, most scholars in the divinity school (faculty of theology) at the University of Ankara promoted modernist-reformist perceptions of Islam, even though most Turkish people did not endorse their views. Established in 1949, the Ankara Divinity School was instituted as the Theological Faculty at the University of Ankara. After the 1980 military

coup, several other higher Islamic educational institutions, including the Istanbul Institute of Islamic Sciences (now a divinity school), were also transformed into theological faculties at different universities.¹⁹

It was in these transformed faculties where Karaman became the leading authority on the concept of “renewal within the boundaries of tradition.” This concept has prevailed despite against all odds. Yet neither the modernist-reformist project nor the solid traditionalist reactions have received public approval. The modernist project was not “reliable,” and the traditionalist reaction was not “applicable.”

Karaman’s Approach to Contemporary Issues

Karaman’s solution-focused approach that shows from {examples discussed above/below} to contemporary issues promises that ordinary Turkish Muslims can lead a pious Muslim life, even under conditions not designed according to and by Islamic rules. Karaman suggests that the concept of “living religion in a secular system” can be applied to the personal, daily life of Muslims and function as a starting point for a contemporary *mufitī*. He tells people that living religion is possible anywhere, any time. Likewise, he calls upon *mufitīs* and scholars to “make religion applicable” here and now. This concept opens up new horizons for Turkish Muslims and Muslims in the West by illustrating the difference between the ideal and reality. Notwithstanding, Karaman considers the question: “If we could design the system, how would we do it?” He wanted to focus on living with Islamic sensitivities and retaining Muslim identity in a secular public sphere. As the German philosopher Jurgen Habermas has argued, in a post-secular state, “Both religious and secular mentalities must be open to a complementary learning process (2008).” Karaman’s concept is compatible with this idea of once again welcoming religion in the public sphere as an equal actor. In his view, renewal from within the tradition resulted in the concept of living a religious life in a secular context. It is nothing more than a process of practicing a religious mentality. Karaman aims to build an Islamic society as an ideal model, but he also factors reality into the process. This acceptance of reality makes his solutions applicable.

According to Karaman (1988, 2001), there are two kinds of contemporary *fiqh* problems and therefore two different approaches to the solution. The first set regards to those legal problems in which the problem has already been solved or the question has been answered

in the *fiqh* tradition. Still, we need to review the problem in a new context. There are already traditional *fatwas* or solutions to the issue at hand. In this case, contemporary scholars or *‘ulamā* will only check the validity of the old *fatwas* in the new context. The contemporary *muftī* can validate old *fatwas* or solutions (i) without any change, (ii) accept it with some changes, or (iii) issue a new *fatwa* altogether if the old one does not apply to the present situation. The second set of problems or questions are those that deal with entirely new situations because of medical or scientific developments in most cases and the medical ethical issues like abortion, organ transplants, organ donation, and euthanasia. There are no direct *fatwas* or solutions in the *fiqh* tradition regarding these contemporary problems. In this case, the contemporary *muftis* could use the general principles and apply new *ijtihād* to solve the problem.

Karaman’s methodology regarding contemporary issues can be divided into two categories. First, if a problem had already been addressed or a question already answered in the *fiqh* literature, Karaman would test the given solution. After criticizing the “given answer,” he would decree that a) the given answer is still valid,²⁰ b) that the given answer is no longer applicable, or c) that it needs some revisions. Karaman differs here from the traditionalists who uncritically repeat the “given answer” as is, claiming that the door of *ijtihād* is already closed and independent reasoning is no longer allowed.²¹ According to traditionalists, the only way to live as “true” Muslims is by *taqlid* (imitation)– following the footsteps of classical *mujtahids* who lived a thousand years ago.

Second, if a problem is entirely new and no relevant *fatwas* are given in the *fiqh* literature, Karaman would give his *fatwa* directly using independent reasoning or *ijtihād*. In both cases, he would provide detailed arguments. A concrete example is the issue of abortion. Though there are variant accounts, all *fiqh* schools use the same *hadith* narrated about the Prophet Muhammad, which says the spirit (*rūh*) is breathed into the fetus within 40, 42, 80, or 120 days, according to different interpretations of the narration. For example, the Al-Sāfi.ī School chose 40 days, the Hanafis 120 days. The Al-Sāfi.ī school argued that until that time the fetus had no soul, and abortion was allowed. On the other hand, contemporary traditionalist Hanafī scholars issued a *fatwa* to say abortion was allowed up to 120 days under acceptable conditions. They would say, “One can keep their intention as they cannot educate their child according to Islam in this bad time, and thus they can do it!”²²

Karaman says that a factual mistake is being committed here, and he makes a kind of *coram vobis* through his new *fatwa*. He states that we do not have evidence in this narration that the Prophet allowed abortion because he was speaking about creation and fate and predestination (*qadar*), as narrated in the Book of Qadar in all *hadith* references. We also have no evidence that the meaning of *rûh* (spirit), used in the *hadith* is a synonym for the soul. Therefore, the *mujtahids* were given this *fatwa* based on the prevailing science of the time, and contemporary science says that the soul enters a fetus within 40 days. Furthermore, some classical scholars like Ibn Hazm (d. 1064), al-Gazzali (d. 1111), and the Maliki school argue that a fetus has a soul and must be respected, basing their conjectures not on the prevailing science of the time but on general principles. Karaman concludes that abortion is also not allowed even within 120 days nor in 40, and hence it is *harām* and to issue a *fatwa* for abortion is to be an accessory to murder (Karaman, 2010a).

I stress here again that Karaman solves contemporary problems using classical Sunnī legal theory and the methodology of Islamic jurisprudence (*usul al-fiqh*). Classical Sunnī legal theory is more of a “rule creation” approach than “rule justification” one (Hallaq, 1997). Karaman derived some principles of Islamic legal theory from Tahir bin Ashur (d. 1973) and developed and applied them to solve contemporary issues, such as the separation between binding and non-binding Sunna, and categorizing the necessity (*darurah*) as temporary or permanent, general or specific (Onay, 2010). Classical Sunnī legal theory (*usul al-fiqh*) accepts four primary sources and several secondary one. The list of secondary sources differs according to *madhhabs* and their founding imams. The primary sources are the Book (Qur’an), Sunna (words, acts, and passive recognitions of the Prophet), legal consensus (*ijmā*), and deductive reasoning (*qiyas*).

There are two main streams of thought in legal theory: the inductive method of the Hanafis and the deductive method of non-Hanafis.²³ The most crucial figure in non-Hanafī methodology is al-Shāfī. In his masterpiece *al-Risāla*, al-Shāfī gives the first definition of a binding legal consensus, *ijmā*. The followers of al-Sāfī have applied the general principles he composed.

Karaman follows the theory and methodology of the Hanafis. At first, the Hanafī methodology was based on solving each problem as a singular case. Later Hanafī scholars recorded the methodology of their pioneer imams and founders of the *madhhab*. In this

casuistic methodology, the cases resolved helped the theory be reviewed in later centuries. It is the opposite of al-Shāfi'ī's deductive methodology of solving singular cases according to pre-defined "prescribed maxims." In the Hanafis' casuistic method, each problem is considered unique. Thus, each *fatwa* is a unique solution rather than a reflection of the prescribed maxims. But Hanafis also used maxims and general principles to solve each singular case. The critical difference between the two methodologies is that the Hanafi methodology consults the maxims to form countless, unique solutions. In contrast, the Shafi'ī methodology proposes solutions for the cases directly directly via the maxims.

Karaman's Influence in Europe

Turkish imams in Europe also use Karaman's method for contemporary issues. One telling example that raised a lot of attention in the Netherlands, came up in the mid-2000s when a Turkish imam in Arnhem once stated that he shook hands with the female mayor of the city, whereas a non-Turkish imam apologetically refused to shake hands with a female minister, which caused a public controversy in the country.²⁴ The two imams were Sunnī and Hanafi, respectively. The Turkish imam, however, accepts Karaman's interpretation of shaking hands with a woman. Karaman argues that shaking hands in modern society is a kind of greeting. Although the Prophet avoided shaking hands with women, it does not mean it was forbidden.

Karaman concludes that there is no explicit prohibition against shaking hands between the sexes in the *hadiths* (sayings) or *Sunna* (practices) of the Prophet Muhammad; the prohibition against *fuqahā* (*fiqh* scholars) was in a situation in which this was not a custom or accepted social behavior code/norm. Today, however, shaking hands has become part of the social customs in cities. Karaman accepts living in a modern city and being in a professional environment as necessary (*darūra*). Yet he still does not accept shaking hands as a standard practice in an ideal Muslim society (Karaman, 2009).

Karaman's argument and *fatwa* made it easier for the Turkish imam to argue his reasoning towards his Turkish audience that resided in the Netherlands. He understands and convinces himself that shaking hands with a female is allowed. At the same time, he can justify his position to his congregation using Karaman's *fatwa*. It is because the majority of Turkish people accept Karaman's authority as a *mufīī*.

Around 1990, Fahri Demir, a religious advisor to the Diyanet in The Hague and President of the Islamic Foundation of the Netherlands (1988-1992), prepared 17 questions for a feature on the difficulties in the daily life of Muslims abroad to be published in the journal *Arayış ve İslam*. The most pressing question concerned the headscarf. Demir asked whether the headscarf was a genuine Islamic rule based on the primary sources, i.e., the Qur'an and Sunna. He sent the questions to Karaman and two institutions – the Diyanet in Ankara and Al-Azhar in Cairo– for consideration, the three authorities on Islamic law. Karaman professed that headscarfs for women were part of Islamic law. The most interesting point was that the questions were sent to him separately from the Diyanet, indicating the weight and meaning of Karaman's opinion for the Turks in Europe.

In Turkey, the official authority on religious issues is the Diyanet. Karaman is not part of the official structure of Diyanet,²⁵ but he is also not far apart from Diyanet's services. Together with a former president of the Diyanet, Tayyar Altıkulaç, Karaman and some other scholars established the Centre for Islamic Studies: ISAM. ISAM published 44 volumes of the Turkish encyclopedia of Islam. Diyanet has a *fatwa* commission in Ankara and provincial *muftīs* in every city and town in Turkey, but Karaman is an independent *muftī*, “the *muftī* of *muftīs*.”

In addition to the Diyanet, the Millî Görüş (National Consensus)²⁶ in Europe regards and respects Karaman as a *fatwa* authority. Millî Görüş has invited Karaman several times to Germany and other European countries for conferences or lectures. Only Süleymanlıs, while respecting Karaman, do not follow him in his *fatwas* for renewal.

Karaman's authority as *muftī* on Turkish Islam “at home” and “in exile” is incontestable, but we do not yet know his influence on the diaspora generation. It is highly foreseeable that, through his students and imams teaching others, Karaman will continue to (indirectly) influence future generations. His publications and website have not yet been translated into Western languages. Local Turkish imams in Europe use Karaman as a *fatwa* reference frequently, not only because he is a trusted authority but also because he gives “open-source” *fatwas*. Karaman always gives complete arguments for his *fatwas*, as I previously mentioned. With this approach, imams understand the legal ground of the *fatwas* and can explain it to the inquirers of younger generations. The younger generations would like to know the arguments, and sometimes they make their own decisions. Thus,

Karaman's approaches are suitable for the individualistic trends of the young diaspora and compatible with the post-secular public sphere of new Europe.

Conclusion

Hayreddin Karaman, “the teacher of teachers,” is one of the most trusted scholars, active and influential religious leaders (‘*ālim*) of contemporary Turkish theology. He is not just an academician but also an activist. He has been the answer to the question of the Islamization of Turkey. I argue that three characteristics describe the authority of Karaman. His perception of Islam, especially his approach to contemporary issues using Islamic Jurisprudence (*fiqh*), is reliable, applicable, and accessible.

It is reliable because Karaman advocates renewing the religion within the boundaries of tradition, applying this principle to contemporary problems. He does not abolish the tradition but reproduces it in a new context. In technical terms, he applies classical methodology, *usul al-fiqh*, to contemporary issues. His loyalty to classical methodology makes his *fiqh* more reliable in the eyes of many Turkish leaders of Islam.

It is applicable because Karaman uses a solution-oriented methodology. He shows contemporary Muslims the possibility of living an Islamic life in a non-Islamic public sphere. His concept of “living religion in a secular system” is based on accepting the possibility of Islamic life anywhere, any time, whatever the circumstances. He takes the general principles of *usul al-fiqh* into account along with the primary sources, i.e., the Qur’an and the Sunna of the Prophet Muhammad. He refers to *maqasid*, *masalih*, *tayseer*, and *darura* (necessity). He also introduces a new concept in methodology, “the social necessity” (*al-dārūra al-ijtimā’iyya*) when needed. The authority of Karaman as *mufī* on Turkish Islam “at home” and “in exile” is incontestable, but we do not know his influence on the diaspora generation yet. I can say that Karaman will influence the future “next generations” indirectly through his students and imams.

Notes

¹ An İmam Hatip Lisesi (İHL) is a school organized as a vocational college. The students at a İHL follow the same program as the “general” schools but take additional courses such as Arabic language and religious classes like *fiqh*, *tafsir*, and *kalam* [Islamic jurisprudence, interpreting Qur’anic texts, Islamic systematical theology].

“Karaman thinks that *Imam-Hatip* schools and their graduates play an integral role in Turkey’s Islamization process. Through his writings and speeches, Karaman influences the schools’ students and alumni, some of whom have assumed important positions in government, business, and law. Karaman’s reputation as a scholar also helps him influence members of the general public who are sympathetic toward the schools” (Ozgur, 2011).

² Ahmed Cevdet Pasha (d. 1895) defended the formation of an Islamic law code instead of adapting Western codes to Islamic countries. *Majalla*, an Ottoman law code, was prepared between 1869 and 1876 as an Islamic alternative to Western codes by a commission led by Ahmed Cevdet Pasha, and went into effect in 1877. *Majalla* contains 1852 articles covering civil law and family law. See also *EIMadjalla*.

³ Afgani (d. 1897) is the leading theorist and activist behind the “unity of Islam” in the 19th century.

⁴ Muhammad Abduh (d. 1905) was an Al-Azhar scholar, the main supporter of Afgani in promoting the “unity of Islam” ideology and the “renewal” (*islah and tajdid*) Islam.

⁵ Muhammad Rashid Rida (d. 1935) was a Lebanese scholar, student, and successor of Abduh. In 1989, Karaman requested that I personally locate a copy of the missing volume of the famous book by Muhammad Rashid Rida on the life and thought of Abduh entitled *Tarikh al-Ustaz al-Imam* (History of Master Imam), when I was attending the Shari’a Faculty at Al-Azhar University in Cairo, for the collection of ISAM (Center for Islamic Studies). For a critical reading of his works, see Ryad, 2009.

⁶ Mehmet Akif Ersoy (d. 1936), known as the “poet of belief,” was an Islamist activist during the Turkish war of independence, Hewrote the Turkish national anthem.

⁷Elmalılı Muhammed Hamdi Yazır (d. 1942) was a Turkish exegete. His very trusted [what do you mean by this, i.e., trusted, and what is a tafsir?] *tafsir*, Hak Dini Kur’an Dili was prepared by official decree issued by the Parliament of the Turkish Republic and published by Diyanet between 1935 and 1939.

⁸The head of the religious authority in the Ottoman period was called *sheikh al-islam* (*şeyhülislam*). As a leading *mufti*, the *sheikh al-islam* was a major spokesman for religious scholars (*‘ulamā*) (Pixley, 1976). Before 1574, *sheikh al-islam* was an honorary title, something like a personal religious advisor to the sultan, and the *mudarrises*, *qādis* (*mawālis*) and *muftis* were always appointed by grand viziers. After 1574, the power to appoint these religious and juridical authorities was entrusted to the *sheikh al-islam* (Akgündüz, 2010, pp. 243-247). In addition, provincial *muftis* (*kenarmüftileri*) also issued *fatwas*.

⁹ Prof. Dr. Ahmet Saim Kılavuz is Karaman’s son-in-law and the rector (2020-) of Uludağ University in Bursa, Turkey.

¹⁰Karaman states (2008, pp. I, 22) that at least 20 people from the district comes together in a home, and this event was compatible with TV series or sports game today.

¹¹This was mostly recited in a special way without any musical instruments.

¹² In a debate I organized as “Logbook of Hayrettin Karaman” between Karaman and Koca at the Akabe Foundation Istanbul, 1998.

¹³ Ibid.

¹⁴Several times in personal conversation.

¹⁵*İstanbul Yüksek İslām Enstitüsü* is now the Theological Faculty (*İlahiyat*) Faculty at Marmara University.

¹⁶ His first supervisor was Bilmen; after Bilmen passed away in 1971, he completed his thesis under a Moroccan scholar, M. Tanji, in 1974.

¹⁷ Personal conversation with Karaman. He used the Arabic word *azīm* (great) instead of a Turkish word because *azim* could be understood both positively and negatively.

¹⁸ Personal conversation with Karaman.

¹⁹ Instead of the Ottoman *madrassa*, the first theological faculty (divinity school) was established at *Dārulfünûn* (now Istanbul University) in May 1924. The *madrassa* was converted to a faculty of theology pursuant to Article 4 of the Law of Unification of Education (*Tevhid-i Tedrisât Kanunu*) No. 430, dated March 3, 1924. This first academic theological institution in the Turkish Republic was closed in 1933 due to a lack of students. In a second attempt, the Faculty of Theology at Ankara University was established in 1949. It was the only theology program in modern Turkey until the Institutes of Islamic Studies (*Yüksek İslam Enstitüsü*) were converted to faculties in 1982.

²⁰ There are also some rare examples of the Ottoman *sheikh al-islam*'s repeated *fatwas*. In this example, the *sheikh al-islam* writes that the *fatwa* issued by a former *sheikh al-islam* is still valid and binding (Heyd, 1969).

²¹ From another perspective, the claim of traditionalists that they are “not attempting *ijtihad*, independent reasoning” is not unacceptable because saying “an old *fatwa* is still valid” is also a kind of *ijtihad* and *afatwa*. They defend their position by saying, “We are not issuing *afatwa*, only narrating.”

²² For example, Suleymanli imams narrate this *fatwa*.
<http://www.dinimizislam.com/detay.asp?Aid=1448> (last retrieved: 9.5.2020).

²³ “Non-Hanafis” (*ghayr al-Ahnaf*) is a term still used in *fiqh* education. When I was in the library of the Sharia Faculty of Al-Azhar University in 1988 for the first time, I was shocked to see that the books on legal theory (*usul*) were divided into the right and left wings of the gallery as *usāl al-fiqh Ahnāf* and *usāl al-fiqh ghayr al-Ahnāf* (Hanafimethodology and non-Hanafimethodology of Islamic law).

²⁴Shaking hands became a polemical issue in the Netherlands when an imam refused to shake hands with Minister Rita Verdonk on November 20, 2004, during a meeting on freedom of speech organized by the Stichting Islam enBurgerschap and Kontakt der Kontinenten in Soesterberg. The conference was organized to change the antagonistic atmosphere in the country three weeks after the assassination of filmmaker Theo van Gogh on November 2, 2004. A new crisis for Islamic values emerged from this incident, and the minister interpreted it as political material in favor of Dutch integration policy. Dutch anthropologist Welmoet Boender interprets this event as a clash of norms and values: the imam follows the same example of the Prophet. According to Islamic norms, insofar as this imam interprets it, touching ‘marriageable’ women is prohibited for men. According to the minister, however, refusing to shake hands with the opposite sex signaled the inequality of the sexes. It also put the imam at a disadvantage and disenfranchised him (Boender, 2007, pp. 84-91).

²⁵He has been approached several times for the post of President of the Diyanet but has refused (Onay, 2010).

²⁶Millî Görüş (National Consensus) in the general name of the main Turkish political Islamic movement led by Prof. dr. Necmeddin Erbakan, the founder of several political parties in Turkey. The same movement was organized in Europe. The center of Millî Görüş in Europe is in Cologne, Germany (<https://www.igmg.org>).

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