



MAZAHIBUNA: Jurnal Perbandingan Mazhab

Volume 7 Number 2 December 2025; 228-243

P-ISSN: 2685-6905; E-ISSN: 2685-7812

DOI: 10.24252/mazahibuna.vi.58090

<http://journal.uin-alauddin.ac.id/index.php/mjpm>

This work is licensed under a Creative Commons Attribution 4.0 International License

Dilemmas of Fatwas Freedom in Morocco: Between Diversity of Religious Perspectives or National Stability

Abdul Hayyaqhdhan Ashufah^{1*}, Kchich Abderrahmane², Alya Aulia Rachman Hamzah³,
Omayma Aatifi⁴, Muhammad Mumtaz Azamy⁵

¹Université Sidi Mohamed Ben Abdellah, Morocco. E-mail: abdul.ashufah-etu@etu.univh2c.ma

²Moulay Ismail University, Morocco. E-mail: a.kchich@umi.ac.ma

³Université Sidi Mohamed Ben Abdellah, Morocco. E-mail: rachmanhamzah.alyaaulia@usmba.ac.ma

⁴Hassan II University, Morocco. E-Mail: omayma.aatifi-etu@etu.univh2c.ma

⁵Abdelmalik Essaâdi University, Morocco. E-mail: muhammadmumtaz.azamy@etu.uae.ac.ma

*Corresponding Author

[Received: June 17, 2025] [Reviewed: August 11, 2025] [Revised: September 09, 2025] [Accepted: October 03, 2025]
[Published: October 09, 2025]

How to Cite:

Ashufah, A. H., Abderrahmane, K., Hamzah, A. A. R., Aatifi, O., & Azamy, M. M. (2025). Dilemmas of Fatwas Freedom in Morocco: Between Diversity of Religious Perspectives or National Stability. *Mazahibuna: Jurnal Perbandingan Mazhab*. 7 (2): 228-243. <https://doi.org/10.24252/mazahibuna.vi.58090>

Abstract

In Morocco, fatwa authority has been strictly centralized through the Al-Majlis al-'Ilmi al-A'la under the King's religious leadership as Amir al-Mu'minin. This system seeks to preserve the unity of the Maliki madhhab and maintain national stability, yet it simultaneously raises dilemmas concerning the freedom of fatwas and the diversity of religious perspectives. This study analyzes the construction of Morocco's fatwa authority and examines society's responses to this centralized framework. Employing a descriptive-qualitative method with a socio-legal Islamic approach, the research draws on literature review and document analysis, utilizing primary sources such as official fatwas issued by Moroccan religious institutions and secondary sources including academic articles and digital media. The findings show that fatwas in Morocco serve not only as religious guidance but also as instruments of state legitimacy in shaping and regulating public religious discourse. At the same time, certain segments of society express resistance by turning to independent scholars and digital platforms, thereby challenging the state's monopoly over religious interpretation. The article contributes to academic discourse by mapping the dynamics between state and religious authority in the Moroccan context and highlighting the epistemological challenges posed by digitalization and social transformation. Ultimately, this study underscores the tension between institutional stability and societal pluralism, offering insights into how fatwas function as both theological and political tools in contemporary Islamic law.

Keywords: Fatwa; Religious Authority; Al-Majlis al-'Ilmi al-A'la; State and Religion, Contemporary Islamic law.

Abstrak

Di Maroko, otoritas fatwa sepenuhnya terpusat melalui Al-Majlis al-‘Ilmi al-A‘la di bawah kepemimpinan Raja sebagai Amir al-Mu‘minin. Sistem ini bertujuan untuk menjaga kesatuan madzhab Maliki dan mempertahankan stabilitas nasional, namun sekaligus menimbulkan dilema terkait kebebasan fatwa dan keragaman perspektif agama. Penelitian ini menganalisis pembentukan otoritas fatwa di Maroko dan meneliti respons masyarakat terhadap kerangka kerja terpusat ini. Menggunakan metode deskriptif-kualitatif dengan pendekatan hukum Islam sosial, penelitian ini mengandalkan tinjauan literatur dan analisis dokumen, memanfaatkan sumber primer seperti fatwa resmi yang dikeluarkan oleh lembaga fatwa Maroko dan sumber sekunder termasuk artikel akademik dan media digital. Temuan menunjukkan bahwa fatwa di Maroko tidak hanya berfungsi sebagai panduan agama tetapi juga sebagai alat legitimasi negara dalam membentuk dan mengatur diskursus ruang publik di bidang keagamaan. Pada saat yang sama, sebagian kalangan masyarakat menunjukkan resistensi dengan beralih ke cendekiawan independen dan platform digital, sehingga menantang monopoli negara atas interpretasi agama. Artikel ini berkontribusi pada diskursus akademik dengan memetakan dinamika antara otoritas negara dan otoritas agama dalam konteks Maroko, serta menyoroti tantangan epistemologis yang ditimbulkan oleh digitalisasi dan transformasi sosial. Pada akhirnya, studi ini menyoroti ketegangan antara stabilitas institusional dan pluralisme sosial, memberikan wawasan tentang bagaimana fatwa berfungsi sebagai alat teologis dan politik dalam hukum Islam kontemporer.

Kata kunci: Fatwa; Otoritas Agama; Al-Majlis al-‘Ilmi al-A‘la; Negara dan Agama, Hukum Islam Kontemporer.

Introduction

Religious authority in Morocco is uniquely centralized under the institution of *Al-Majlis al-‘Ilmi al-A‘la* (the Supreme Council of Ulema), which functions under the direct supervision of the King in his capacity as *Amīr al-Mu‘minīn* (Commander of the Faithful) (Ouchelh, 2024). This body holds the exclusive mandate to issue official fatwas, aiming to preserve religious unity and shield society from radical ideologies. According to a 2022 report by the Moroccan Ministry of Endowments and Islamic Affairs, approximately 1,500 scholars from across the country have been integrated into this centralized system (Agence Maghreb Arabe Presse, 2022), with each fatwa undergoing a collective and regulated deliberation process (Othman, 2024). Despite this, the rapid expansion of digital platforms has enabled the circulation of individual and unofficial fatwas (Wahid, 2024), often conflicting with state-sanctioned fatwas and generating confusion in public discourse (Khamlichi, 2014). Recent surveys of Moroccan youth indicate declining reliance on official religious institutions, with less than half expressing confidence in state fatwas, while online religious content attracts growing attention—a shift that highlights the urgency of reexamining the effectiveness of centralized authority in the digital age (Pew Research Center, 2021).

This context raises a fundamental problem to what extent can Morocco’s singular (Zaher & Duman, 2019), state-controlled fatwa authority address the complex and plural socio-religious realities of modern society? On the one hand, state oversight helps prevent

the proliferation of extremist interpretations; on the other, restricting independent fatwa issuance risks curtailing context-sensitive *ijtihad* that resonates with diverse communities. The central issue is therefore the epistemological tension between religious monopoly and interpretive pluralism—between the preservation of doctrinal stability and the accommodation of plural voices in contemporary Islamic discourse.

Scholarly works on Morocco's fatwa institutions have largely emphasized their political and organizational dimensions, with (El-Katiri, 2013) underscoring the King's role as *Amir al-Mu'minin* and the structural consolidation of the Supreme Council of Ulema, and highlighting state-led fatwa governance as a safeguard against extremism (Zou & Li, 2025). Broader debates, such as Zaman's analysis of the modern transformation of the '*ulamā*' (Zaman, 2016) and Hallaq's critique of the tension between Islamic legal pluralism and modern state authority, further situate the Moroccan model within global patterns of religious centralization (Hallaq, 2009). Yet, while these studies illuminate the legitimacy and institutional design of fatwa governance, few have examined the epistemological dimension specifically how interpretive authority is negotiated between state-sanctioned institutions and alternative religious actors in the digital public sphere. Addressing this gap, the present study employs Weber's typology of authority (Gauthier, 2021) and Foucault's concept of power/knowledge (Haugaard, 2022) to analyze how epistemological authority is constructed, contested, and pluralized within Morocco's centralized fatwa system.

To analyze these dynamics, this article employs Max Weber's typology of authority traditional, charismatic, and legal-rational (Gauthier, 2021) as a framework for interrogating the legitimacy of Morocco's fatwa centralization. The King's dual position as both political ruler and *Amir al-Mu'minin* exemplifies how traditional and legal-rational authority intersect to consolidate religious control. At the same time, Michel Foucault's concept of power/knowledge (Haugaard, 2022) highlights how fatwas function not merely as religious opinions but as discursive instruments that regulate what is considered legitimate Islamic knowledge. By integrating Weber and Foucault, the study situates the Moroccan case within a broader theoretical landscape, enabling a critical interrogation of how authority is constructed, maintained, and contested in the contemporary Islamic public sphere.

Against this backdrop, the article critically examines Morocco's centralized fatwa system by focusing on the authority of *Al-Majlis al-'Ilmi al-A'la* and its implications for state–society relations. The analysis highlights both the strengths and limitations of this model, asking whether the institutional monopoly of fatwas can adapt to the pluralistic needs of a dynamic Muslim society. The paper takes an explicitly critical stance: while it recognizes the stabilizing function of centralized authority, it argues that unchecked centralization

risks stagnating Islamic legal thought. Therefore, this study does not merely critique Moroccan centralization but also suggests the need for a reformist framework—one that integrates state regulation with greater epistemological openness, allowing for contextual and inclusive *ijtihād* in the contemporary public sphere.

Methods

The type of research employed in this study is normative or library research, using a comparative study approach, specifically, the madhhabs of thought comparison method. This method of Islamic legal research focuses on comparing the arguments and opinions of various madhhabs of thought regarding a specific legal issue. Accordingly, the research is centered on a comparative analysis of the differences and similarities in the views of the Ḥanafī and Shāfi'ī madhhabs regarding procedural differences in prayer between men and women.

In the study of Islamic jurisprudence (*fiqh*), data is generally classified into two types: primary data, which refers to the main sources that accommodate the views of a particular madhhab of thought in the form of written works, and secondary data, which includes relevant literature used as supplementary references to the primary sources (Bisri, 2003). This research's primary data consists of the authoritative texts of the two madhhabs of thought. For the Ḥanafī madhhab, the researcher refers to *Ḥāshiyat Ibn 'Ābidīn*, *Badā'i' al-Ṣanā'i'*, and several other related works. For the Shāfi'ī Madhhab, references include *Minhāj al-Ṭālibīn*, *al-Majmū'*, *al-Fiqh al-Manhajī*, among others. Meanwhile, the secondary data is drawn from comparative *fiqh* literature, such as *al-Fiqh 'alā al-Madhāhib al-Arba'ah*, *Fiqh al-Islāmī wa Adillatuh*, and other scholarly texts that support the complexity of the data and the depth of this research.

Data collection in this study was carried out using the documentation method or document study. This document study is also usually called a literature review. The researcher collected data through several studies discussing the differences in the *kaifiyyah* of prayer between men and women, sourced from both primary and secondary materials. Once the data has been gathered, the next step is to process the data. The data processing method in this study is centered on data analysis, which involves organizing the data in a structured and systematic manner to assist the researcher in drawing conclusions. The steps include data reduction, data presentation, and the formulation of conclusions and verification.

In selecting and validating the opinions of the two madhhabs of thought, this study relies on positions considered *mu'tabar* (authoritative) within each madhhab. These views are widely accepted by most scholars and supported by the madhhab's primary references. When internal differences are found within a madhhab, the researcher

prioritizes the stronger opinion (*rājiḥ*) based on the strength of its evidence and the reliability of its transmission. The comparative analysis aligns equivalent issues across the two madhhabs and examines the legal arguments, textual evidence, and methodological reasoning (*istinbāt*) behind each view.

Result and Discussion

Centralization of Fatwa Authority in Morocco

The Moroccan fatwa system is highly centralized and institutionalized under state control, with *Al-Majlis al-ʿIlmi al-Aʿla* (The Supreme Council of Ulema) serving as the sole national authority. This body operates directly under the supervision of the King, who holds the dual role of head of state and *Amīr al-Muʾminīn* (Commander of the Faithful). This dual function grants the monarchy both political and religious legitimacy, allowing it to regulate Islamic discourse and monopolize the issuance of fatwas. In this way, royal legitimacy forms the symbolic and structural cornerstone of Morocco's religious governance (El-Katiri, 2013).

Institutionally, *Al-Majlis al-ʿIlmi al-Aʿla* has exclusive authority to issue fatwas, which are produced collectively rather than individually. Its scholars, appointed and endorsed by the state, deliberate within the framework of the Maliki school of law, Morocco's official *madhhab* (Anchassi, 2021). This reliance on Maliki orthodoxy is intended to preserve religious unity and prevent sectarian fragmentation, ensuring that official *ijtihād* aligns with the state's long-standing jurisprudential tradition.

The fatwa production process is heavily bureaucratized, involving collective decision-making and formal dissemination through official channels such as government websites, state media, and recognized religious forums (Awaliyah, 2022). Independent fatwas produced outside this structure lack formal recognition and are often deemed misleading or even deviant if they contradict the official stance. Thus, while the system ensures consistency and reduces the risk of extremist narratives, it also institutionalizes religious authority within a rigid state apparatus (Calder, 2019).

This centralization carries a distinctly political dimension. With the King's religious authority intertwined with political legitimacy, fatwas often function as tools to reinforce state policies or, at minimum, avoid opposing them (Ezzerouali et al., 2025). For instance, the Council's fatwas on women's inheritance reforms have been framed to align with broader state-led gender policies, reflecting how religious rulings can support the monarchy's political agenda (Filali, 2019). Such examples illustrate that fatwas are not merely theological outputs but instruments of governance and ideological control.

The exclusion of civil society voices is a further limitation of the model. Independent scholars, intellectuals, and activists may express their views via social media, YouTube, or

online forums, but their positions carry no formal authority ([Hutchinson, 2021](#)). This exclusion produces epistemological tension: state fatwas emphasize stability and orthodoxy, while unofficial voices seek context-sensitive interpretations more relevant to issues such as bioethics, digital ethics, and gender justice ([Ahmed, 2025](#)). For many Moroccans—particularly younger, digitally engaged generations—the state’s official fatwas appear conservative, slow to adapt, and insufficiently responsive to contemporary challenges ([Terem, 2023](#)).

From a theoretical perspective, Morocco’s centralized model of religious authority can be analyzed through Weber’s typology of authority, which distinguishes between traditional, charismatic, and rational-legal forms of legitimacy. In the Moroccan context, the King embodies both traditional authority, rooted in historical lineage and the role of “Amir al-Mu’minin” (Commander of the Faithful), and charismatic authority, derived from his symbolic position as a unifying figure for the Muslim community. Alongside this, the Council of Ulema represents the rational-legal dimension, functioning as a bureaucratic institution that codifies, systematizes, and disseminates religious rulings. This institutional framework ensures that the production of fatwas is not fragmented but instead centralized within a state-managed apparatus, reinforcing the perception that ultimate religious truth is defined and safeguarded by the monarchy.

At the same time, Foucault’s concept of power/knowledge sheds light on the subtler mechanisms through which this monopoly is maintained. The Moroccan state’s control over fatwa production operates not merely as a juridical authority but as a “regime of truth” that shapes the discursive field of religion itself. By monopolizing interpretive authority, the state establishes the parameters of legitimate religious discourse ([Onwuegbuchulam, 2019](#)), thereby excluding alternative voices and disciplining clerical actors who might challenge the official narrative. In this sense, fatwas function as instruments of governance that embody both knowledge and power: they articulate theological positions while simultaneously producing compliant religious subjects.

Taken together, Weber’s and Foucault’s frameworks illustrate how Morocco’s fatwa system is not only a question of legal centralization but also of ideological hegemony and social regulation. Fatwas issued under this system legitimize the state’s authority while normalizing obedience among the populace ([Awass, 2019](#); [Menchik, 2022](#)), thus sustaining both religious orthodoxy and political order in ways that extend beyond formal law into the realm of everyday belief and practice.

Yet this hegemony increasingly faces disruption from the rise of digital platforms, which have created new avenues for religious authority to emerge beyond the state’s control. Online spaces allow unaffiliated scholars, independent preachers, and even lay individuals to circulate interpretations that often resonate more deeply with the lived

realities of ordinary Moroccans, particularly younger generations. Unlike the state-sanctioned fatwas produced by the Council of Ulema, which are shaped by institutional procedures and bureaucratic constraints, these digital voices gain traction through perceived relevance, immediacy, and authenticity. Authority in this context becomes less dependent on formal training or hierarchical status and more rooted in the affective bonds created through communication, accessibility, and engagement. As such, the digital public sphere has become a contested arena in which official fatwas compete with a plurality of interpretations, opening space for alternative discourses that challenge the monopoly of the state and expand the horizons of what is deemed religiously legitimate.

Morocco's fatwa system thus illustrates a broader dilemma that characterizes contemporary Islamic legal thought: the tension between the stabilizing function of centralized authority and the pluralism required by a modern, networked society. On the one hand, the state's monopolization of fatwa production has proven effective in curbing extremist rhetoric, preserving religious orthodoxy, and safeguarding national unity. On the other hand, the growing epistemological diversity of the digital age necessitates greater inclusivity and dialogical engagement with civil society. If the fatwa system remains overly rigid, it risks alienating segments of the population who no longer view institutional authority as their primary source of guidance. The future viability of Morocco's model therefore depends on its ability to evolve into a more participatory framework—one that not only maintains order but also embraces the dynamic interpretive possibilities emerging within digital religious publics.

The Centralized Fatwa System in Morocco: Authority, Power, and Digital Disruption

Religious authority in contemporary Muslim societies is deeply shaped by the tension between tradition, state power, and the shifting dynamics of digital communication. Morocco represents one of the most striking cases of centralized control over religious discourse in the Muslim world (El-Katiri, 2013). Since the reign of King Mohammed VI, the Moroccan state has consolidated religious authority within the Council of Ulema, positioning itself as the sole legitimate source of fatwas. This institutional framework is not only a legal mechanism but also a sociopolitical strategy: it reinforces the monarchy's legitimacy as *Amīr al-Mu'minīn* (Commander of the Faithful) while curbing the potential fragmentation of religious discourse in the face of global challenges, including extremism, secularism, and digital pluralism (El-Katiri, 2013). Yet, while Morocco's model projects stability and unity, it also raises questions about adaptability in a digital age where authority is increasingly contested by decentralized actors.

From a theoretical perspective, Morocco's centralized model may be understood through Weber's typology of authority. Weber distinguished between traditional,

charismatic, and rational-legal authority. In the Moroccan case, these forms coexist in a layered and mutually reinforcing manner. The King embodies traditional authority through his Sharifian lineage, tracing descent from the Prophet Muhammad, which grants him religious legitimacy embedded in centuries of dynastic continuity. His charismatic authority derives from his symbolic role as the unifier of the nation and protector of Islam, a figure who commands loyalty beyond the purely bureaucratic (Sater, 2024). At the same time, rational-legal authority is institutionalized in the Council of Ulema, which operates through codified procedures and bureaucratic structures that regulate fatwa production (Naguib, 2019). This institutional dimension ensures that the issuing of fatwas is systematized, professionalized, and aligned with the state's broader legal and political objectives. The interplay of these forms of authority creates a comprehensive structure through which the Moroccan state claims to be the ultimate arbiter of religious truth.

Michel Foucault's concept of power/knowledge deepens this analysis by highlighting how Morocco's fatwa system operates not merely as a juridical mechanism but as a regime of truth. For Foucault, power is inseparable from knowledge: institutions define what counts as truth, and this truth in turn legitimizes the exercise of power (Hurd, 2019; Scherz, 2019). In Morocco, the monopolization of fatwa production illustrates how the state disciplines religious discourse by establishing boundaries of permissible interpretation (Yavuz Altıntaş, 2018). Fatwas issued by the Council of Ulema do more than answer legal-ethical questions; they regulate the epistemic space of Islam in Morocco. By determining which interpretations are valid and which are deviant, the state not only silences alternative voices but also shapes the moral and intellectual frameworks through which society understands Islam. In this sense, fatwas become both instruments of governance and technologies of subject formation, guiding citizens toward an internalized acceptance of state-sanctioned orthodoxy (Warren, 2022).

The convergence of Weber's authority typology and Foucault's power/knowledge lens demonstrates how Morocco's fatwa system sustains both religious orthodoxy and political order. Fatwas are not neutral legal opinions but mechanisms through which the state embeds its authority in the everyday lives of citizens. They legitimize state policies, align religious norms with national objectives, and project an image of Morocco as a bastion of "moderate Islam." The system is particularly effective in combating extremist discourse, which often thrives on fragmented and unauthorized interpretations. By centralizing religious authority, the Moroccan state seeks to protect both national unity and international legitimacy, especially in its role as a leader of Islamic moderation in Africa and the broader Muslim world.

Yet this carefully constructed hegemony faces growing disruption from the rise of digital platforms. Social media, online video channels, and digital forums have opened new

spaces where unaffiliated scholars, preachers, and even lay Muslims circulate religious interpretations. Unlike the official fatwas of the Council of Ulema, which are produced through bureaucratic procedures and framed in the language of legal authority, these digital interpretations are often more immediate, accessible, and emotionally resonant. Their legitimacy depends less on institutional status than on perceived relevance, authenticity, and charisma. In this digital public sphere, religious authority is increasingly democratized and fragmented, challenging the state's monopoly.

The appeal of these alternative voices is particularly strong among younger generations. Many Moroccan youths find official fatwas too distant, abstract, or aligned with state interests, whereas digital preachers address practical questions of identity, morality, and spirituality in direct, relatable ways. The credibility of these figures is shaped by their ability to speak to lived realities: issues of employment, migration, gender, and cultural globalization that affect everyday life. In doing so, they construct new forms of religious knowledge that bypass the institutional authority of the state, thereby unsettling the established regime of truth.

The digital sphere also transforms the nature of contestation itself. In the past, challenges to state authority often took the form of organized movements or formal opposition. Today, contestation emerges diffusely across countless online interactions. A YouTube sermon, a Facebook discussion group, or a WhatsApp chain message can introduce competing interpretations that ripple across communities. This pluralization of religious voices does not necessarily lead to outright opposition but creates a parallel sphere where official fatwas compete with diverse and dynamic alternatives. For the Moroccan state, the difficulty lies not in silencing one particular rival authority but in responding to the dispersed, networked, and constantly shifting dynamics of digital religiosity.

This situation places Morocco at the center of a broader dilemma faced by contemporary Islamic law: how to balance the stabilizing role of centralized authority with the pluralism and inclusivity demanded by modern society. On the one hand, Morocco's model of fatwa centralization offers undeniable advantages. It curbs extremist discourse, ensures doctrinal unity, and integrates religious authority into a coherent national project. It provides international legitimacy by showcasing Morocco as a leader of moderation and a reliable partner in global counter-extremism efforts. On the other hand, its rigidity risks alienating segments of society that seek more participatory and context-sensitive forms of religious engagement. If the state continues to ignore the digital public sphere, it may inadvertently deepen the gap between institutional authority and popular religiosity.

The future viability of Morocco's centralized fatwa system depends on its ability to evolve. One possible direction is greater engagement with civil society, including

mechanisms that allow for more inclusive consultation in the fatwa process. Another is the incorporation of digital platforms into the official religious infrastructure, enabling the Council of Ulema to disseminate fatwas in more accessible formats while also dialoguing with online communities. Such adaptations would not only preserve the state's religious authority but also ensure its relevance in a rapidly changing epistemological landscape. Without these adjustments, the Moroccan state risks transforming its fatwa system into a relic of bureaucratic control disconnected from the lived realities of its citizens.

Morocco's centralized fatwa system exemplifies the intricate interplay of authority, power, and knowledge in contemporary Islam. Through Weber's lens, it reflects the coexistence of traditional, charismatic, and rational-legal authority that legitimizes the King and institutionalizes the Council of Ulema. Through Foucault's framework, it reveals a regime of truth that disciplines religious discourse and regulates interpretation. Yet this hegemony is not absolute. Digital platforms disrupt the monopoly by enabling alternative religious voices that resonate with authenticity and immediacy, especially among youth. Morocco thus illustrates the broader challenge of Islamic law in the twenty-first century: the need to balance stability and pluralism, centralization and participation, orthodoxy and diversity. Whether Morocco can adapt its centralized model to the epistemological diversity of the digital age will determine not only the future of its religious authority but also its capacity to maintain both political legitimacy and social cohesion in an era of transformation.

Epistemological Tensions between Official and Non-Official Fatwas

Morocco's fatwa system showcases two contrasting epistemic paradigms for generating Islamic legal knowledge (*fiqh*). Official fatwas, issued by the *Al-Majlis al-ʿIlmī al-Aʿlā* under the King's authority, derive legitimacy from a blend of traditional, charismatic, and rational-legal norms (Mahil, 2025). This institutional model—deeply rooted in the Maliki school—prioritizes textual authority, state sanction, and scholarly hierarchy (Ezzerouali et al., 2025). By contrast, non-official fatwas emerge organically through informal channels—sermons, social media, diaspora networks—and are shaped by lived experiences, interdisciplinary discourse, and responsiveness to contemporary challenges such as gender justice, digital ethics, minority rights, and globalization (Al-Marakeby, 2022). Their epistemic legitimacy stems not from institutional imprimatur but from authenticity, relevance, and social trust, especially among youth and urban diasporic communities.

This divergence presents a foundational epistemological tension. Should authority rest solely on institutional sanction, or can socially-rooted, contextually adaptive religious knowledge command equal legitimacy? The answer raises deeper questions about how

Islamic knowledge is constructed and validated in the modern era ([Sabic-El-Rayess, 2020](#)). While official fatwas carry the weight of centuries-old religious institutions and state continuity, grassroots fatwas reflect the dynamism of lived religion in a pluralistic, interconnected world. The coexistence of competing epistemic paradigms has triggered legitimacy crises. Official fatwas remain legally binding but increasingly detached from the concerns of digitally engaged citizens. Non-official fatwas, while socially impactful, face institutional skepticism and state resistance ([Ridwan et al., 2021](#)). The Moroccan government frequently labels independent religious voices as unauthorized or potentially destabilizing, deploying censorship or administrative restrictions to preserve doctrinal cohesion and political order ([Richter, 2024](#)).

These state responses underscore a deeper paradox, the very institutions intended to ensure stability may also suppress the intellectual flexibility necessary for Islamic legal thought to evolve. Critics argue that such restrictions limit freedom of religious expression and impede legitimate avenues of *ijtihad*—a vital mechanism for renewing Islamic jurisprudence in changing contexts ([Aïssaoui, 2024](#)). Simultaneously, segments of rural and conservative society continue to trust and rely upon official fatwas as anchors of unity and tradition, preserving the system’s foundational authority even as its social reach narrows.

To move beyond the binary between official and non-official fatwas, this study proposes a new theoretical framework: the “fatwa as an ecosystem.” In ecological terms, an ecosystem thrives on diversity, interdependence, and adaptive resilience, and similarly, a robust fatwa system must accommodate multiple knowledge producers—state scholars, grassroots preachers, civil society actors—while maintaining coherence and legitimacy ([Mangunjaya & Praharawati, 2019](#)). Practically, such an ecosystem could include multi-level consultative forums where state-appointed muftis, independent scholars, women religious leaders, and tech-savvy activists collaboratively address pressing issues through structured dialogue; hybrid fatwa bodies formed to deal with complex and emerging domains such as bioethics, digital labor, and financial technology, which draw insights from both classical jurisprudence and contemporary professional expertise; and digital engagement platforms, officially endorsed yet transparent, where citizens can submit queries, compare perspectives, and interact in meaningful ways without undermining institutional integrity. These mechanisms would not weaken the state’s authority but rather strengthen it, enabling responsiveness while safeguarding doctrinal coherence. In this sense, the “fatwa ecosystem” reframes the debate: rather than positioning grassroots voices as threats to institutional authority, it conceives of them as complementary actors whose perspectives enrich religious discourse and preserve its relevance in a rapidly changing world. This model also resonates with Morocco’s broader

historical precedents, as reflected in the King's recent initiative calling for multi-disciplinary consultation and the digital dissemination of fatwa rulings, which echoes the ecosystem concept by merging tradition with innovation and central authority with plural engagement, thus offering a potential blueprint for other Muslim-majority nations grappling with similar epistemological tensions.

Morocco's fatwa system sits at the nexus of tradition and modernity, embodying a unique synthesis of Weberian categories of authority—traditional, charismatic, and rational-legal—in its construction of religious legitimacy, while simultaneously functioning, in Foucauldian terms, as a regime of truth that delineates who may produce valid interpretations of the sacred. Yet, in the contemporary era marked by digital communication, the democratization of knowledge, and the rise of transnational Muslim identities, this centralized model confronts growing epistemic disruptions that challenge its monopoly over interpretive authority. To address these tensions, this study advances the concept of “fatwa as an ecosystem,” a theoretical framework that transcends the binary of official versus non-official fatwas by envisioning a pluralistic yet coherent system in which diverse knowledge producers—state muftis, independent scholars, women religious leaders, and digital activists—interact in complementary ways. Much like an ecological system that thrives on diversity, interdependence, and adaptive resilience, the fatwa ecosystem would foster multi-level consultative forums, hybrid institutions addressing emergent fields such as bioethics and financial technology, and transparent digital platforms that facilitate citizen engagement without eroding institutional integrity. Far from undermining the authority of the state, such mechanisms would fortify it by enhancing responsiveness and preserving doctrinal coherence, while reframing grassroots contributions not as threats but as vital sources of enrichment to religious discourse in a rapidly changing world. This model resonates with Morocco's own historical precedents, particularly the King's recent initiative promoting multi-disciplinary consultation and digital dissemination of fatwa rulings, which epitomizes the fusion of tradition with innovation and central authority with plural engagement. As such, the ecosystem paradigm offers not merely a local solution but a potential blueprint for other Muslim-majority societies grappling with similar epistemological tensions, ensuring that Islamic jurisprudence remains both stable and relevant in the digital age.

Conclusion

Morocco's fatwa system sits at the intersection of tradition and modernity, where the authority of religious institutions is highly centralized under state control through al-Majlis al-'Ilmi al-A'la, with the King as Amīr al-Mu'minīn playing a pivotal role in directing official discourse. From Weber's perspective, this framework fuses traditional authority

rooted in the Maliki school, charismatic authority vested in the monarch's religious status, and rational-legal authority embedded in bureaucratic structures of the state, thereby securing legitimacy across multiple dimensions. Yet, through Foucault's lens, the Moroccan fatwa system functions as a "regime of truth," determining who may issue valid interpretations and disciplining competing claims to religious knowledge. This centralization is designed to preserve unity within the Maliki tradition and to suppress extremist ideologies, but it also generates epistemological tensions within an increasingly pluralistic and dynamic society. Official fatwas are often criticized as overly bureaucratic and slow to address contemporary challenges, prompting segments of the public to turn toward alternative authorities, particularly independent ulama and voices on social media, which introduces new layers of contestation. By advancing the concept of "fatwa as an ecosystem," this study argues that a sustainable model for Morocco must both honor institutional authority and embrace pluralism, thus enabling societal participation without undermining stability. The interdisciplinary approach adopted here—combining Islamic legal studies, sociology, and political analysis—highlights the complex relationship between state, fatwa institutions, and society, contributing to broader debates on contemporary *ijtihād* in Muslim-majority states. Nevertheless, the study is limited by its reliance on documents and secondary sources due to restricted access to Moroccan interlocutors, meaning grassroots religious practices remain underexplored. Future ethnographic research across Morocco's diverse regions is therefore essential to assess how official fatwas are received, contested, or adapted at the community level, especially in an era shaped by digital communication and transnational Muslim identities.

References

- Agence Maghreb Arabe Presse. (2022, March). Minister of Endowments and Islamic Affairs Highlights Reforms Achieved by Morocco to Rehabilitate Original Education. *Mapnews.Ma*.
- Ahmed, S. (2025). Abortion and Women: Intersects of Religion, Law, and Society-A Perspective From Muslim Majority Countries. In *Global Perspectives on Reproductive Rights and Policies* (pp. 123–156). IGI Global Scientific Publishing. <https://www.igi-global.com/chapter/abortion-and-women/362797>
- Aissaoui, K. N. (2024). The Current Debate on the Moroccan Family Code "Mudawwanat Al-'Ussra." *Ijtihad Journal for Islamic and Arabic Studies*, 1(1), 195–209. <https://journal-ijtihadcenter.com/index.php/ijias/article/view/29>
- Al-Marakeby, M. (2022). Rethinking Modern Fatwa Typology: An Ethnographic Study on al-Azhar Fatwa Council. *Islamic Studies Review*, 1(2), 197–216. <https://doi.org/10.56529/isr.v1i2.85>
- Anchassi, O. (2021). Status Distinctions and Sartorial Difference: Slavery, Sexual Ethics, and

- the Social Logic of Veiling in. *Islamic Law and Society*, 28(3), 125–155.
<https://doi.org/10.1163/15685195-bja10008>
- Awaliyah, N. A. (2022). The Dynamics of Islamic Family Law Reform in Morocco on Guardians Of Marriage. *Indonesian Journal of Law and Islamic Law (IJLIL)*, 4(2), 368–409. <https://doi.org/10.35719/ijlil.v4i2.245>
- Awass, O. (2019). Fatwa, Discursivity, and the Art of Ethical Embedding. *Journal of the American Academy of Religion*, 87(3), 765–790. <https://doi.org/10.1093/jaarel/lfz031>
- Calder, R. (2019). How Religio-Economic Projects Succeed and Fail: the Field Dynamics of Islamic Finance in the Arab Gulf States and Pakistan, 1975–2018. *Socio-Economic Review*, 17(1), 167–193. <https://doi.org/10.1093/ser/mwz015>
- Darmalaksana, W. (2022). *Metodologi Penelitian Hukum islam*. Sentra Publikasi Indonesia.
- El-Katiri, M. (2013). The institutionalisation of religious affairs: religious reform in Morocco. *The Journal of North African Studies*, 18(1), 53–69.
<https://doi.org/10.1080/13629387.2012.712886>
- Ezzerouali, S., Banane, M. C., & Hamdaoui, B. (2025). Sharia in Moroccan Law: A Perpetual Source and Guiding Reference. *Legality: Jurnal Ilmiah Hukum*, 33(1), 44–68.
<https://doi.org/10.22219/ljih.v33i1.36744>
- Filali, A. (2019). *Salafi Jihadism, Disengagement, and the Monarchy: Exploring the case of Morocco*. University of Ottawa.
- Gauthier, F. (2021). Authenticity, Consumer Culture and Charismatic Authority¹. *Studies in Religion/Sciences Religieuses*, 50(1), 27–49.
<https://doi.org/10.1177/0008429820920885>
- Hallaq, W. B. (2009). *An Introduction to Islamic Law*. McGill University.
<https://doi.org/10.1017/CBO9780511801044>
- Haugaard, M. (2022). Foucault and Power: A Critique and Retheorization. *Critical Review*, 34(3–4), 341–371. <https://doi.org/10.1080/08913811.2022.2133803>
- Hurd, I. (2019). Legitimacy and contestation in global governance: Revisiting the folk theory of international institutions. *The Review of International Organizations*, 14(4), 717–729. <https://doi.org/10.1007/s11558-018-9338-z>
- Hutchinson, J. (2021). Micro-Platformization for Digital Activism on Social Media. *Information, Communication & Society*, 24(1), 35–51.
<https://doi.org/10.1080/1369118X.2019.1629612>
- Khamlichi, A. Al. (2014). The relationship between religion and the state: the institution of ‘Commandment of the Faithful’ in Morocco. *Contemporary Arab Affairs*, 7(1), 54–81.
<https://doi.org/10.1080/17550912.2013.869991>
- Mahil, Y. (2025). Contemporary Mechanisms to Reform Islamic Criminal Law: Between Legal Doctrine and Positive Law The Case of Morocco. *Journal of Islamic Law*, 6(1), 308–329. <https://doi.org/10.53484/jil.v6.mahil>
- Mangunjaya, F. M., & Praharawati, G. (2019). Fatwas on Boosting Environmental

- Conservation in Indonesia. *Religions*, 10(10), 570–584.
<https://doi.org/10.3390/REL10100570>
- Menchik, J. (2022). The Politics of the Fatwa: Islamic legal authority in Modern Indonesia. *Indonesia*, 114(1), 75–97. <https://doi.org/10.1353/ind.2022.0012>
- Naguib, R. (2019). Legitimacy and “Transitional Continuity” in a Monarchical Regime: Case of Morocco. *International Journal of Public Administration*, 43(5), 404–424.
<https://doi.org/10.1080/01900692.2019.1672733>
- Onwuegbuchulam, S. P. C. (2019). Religion versus state and the struggle for control in society’s developmental arena: A review. *Acta Academica*, 51(2), 1–20.
https://www.scielo.org.za/scielo.php?pid=S2415-04792019000200001&script=sci_arttext
- Othman, H. S. (2024). *Collective Ijtihad: Regulating fatwa in postnormal times*. The International Institute of Islamic Thought.
- Ouchelh, Y. (2024). Institutionalizing Female Religious Activity : The Case of Murshidat in Morocco Younes Ouchelh. *American Journal of Multidisciplinary Research & Development (AJMRD)*, 06(03), 20–41.
- Pew Research Center. (2021). *Globally, Social Hostilities Related to Religion Decline in 2019, While Government Restrictions Remain At Highest Levels*. Pew Research Center.
- Richter, L. (2024). *Normalising Nonreligion Everyday activism in Morocco and the Moroccan diaspora* (Issue June).
- Ridwan, M., Saleh, A. S., & Ghaffar, A. (2021). Islamic Law In Morocco: Study on The Government System and The Development of Islamic Law. *ARRUS Journal of Social Sciences and Humanities*, 1(1), 13–22.
<https://qemsjournal.org/index.php/soshum/article/view/539>
- Sabic-El-Rayess, A. (2020). Epistemological shifts in knowledge and education in Islam: A new perspective on the emergence of radicalization amongst Muslims. *International Journal of Educational Development*, 73, 102148.
<https://doi.org/10.1016/j.ijedudev.2019.102148>
- Sater, J. N. (2024). Constitutionalism in Morocco: The Making of Kings’ Constitutions. In *The Making, Unmaking and Remaking of Africa’s Independence and Post-Independence Constitutions* (pp. 229–244). Springer, Cham.
https://doi.org/10.1007/978-3-031-66808-1_11
- Scherz, A. (2019). Tying legitimacy to political power: Graded legitimacy standards for international institutions. *European Journal of Political Theory*, 20(4), 631–653.
<https://doi.org/10.1177/1474885119838137>
- Terem, E. (2023). Muslim men, European hats: a fatwā on cultural appropriation in a global age. *The Journal of North African Studies*, 28(3).
<https://doi.org/10.1080/13629387.2021.1973246>
- Wahid, S. H. (2024). Research Insights on Online Fatwas. A Comprehensive Systematic Literature Review. *Journal of Fatwa Management and Research*, 29(1), 23–46.

<https://doi.org/10.33102/jfatwa.vol29no1.570>

- Warren, D. H. (2022). *Rivals in the Gulf Yusuf al-Qaradawi, Abdullah Bin Bayyah, and the Qatar-UAE Contest Over the Arab Spring and the Gulf Crisis*. Routledge.
- Yavuz Altıntaş, M. (2018). The role of *ijtihād* in family law reforms of modern Muslim-majority States: a case study of Morocco. *ULUM Journal of Religious Inquiries*, 1(1), 189–191.
- Zaher, F., & Duman, S. (2019). Hanafi Doctrine and the Sheikh of Islam Hanafi in Algeria from the Opening of North Africa Until Independence. *Bilimname*, 37, 971–1000.
<https://doi.org/10.28949/bilimname.491357>
- Zaman, M. Q. (2016). Key Issues in Religion and World Affairs Islam in Modern South Asia : Continuity and Change since the Early Twentieth Century. *Institute on Culture, Religion & World Affairs*, 1–11.
- Zou, Z., & Li, L. (2025). The governance of Islamic extremism in the Middle East: a multidimensional assessment and implications. *Asian Review of Political Economy*, 4(1). <https://doi.org/10.1007/s44216-025-00044-w>