

“Islamic Law, the Ummah, and Prisoners”

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The concept of the *Ummah* or *Umma* (here meaning the global community of Muslims)¹ provides the background context for *Sharia* or *Shari’ah* (Islamic law and divine guidance) and *fiqh* (jurisprudence, human application of Islamic law).² As a Christian jail Chaplain who spends professional time in a judicial context, this class in Islamic law gave me a fascinating opportunity to compare some of the guiding principles and assumptions of western versus Islamic law, including the concept of the *Ummah*. In this paper I assert that the presence of the *Ummah* can be an underexamined assumption, so familiar and important that it is only sporadically mentioned in the Islamic law readings chosen for our Graduate Theological Union class. I also considered how the *Ummah* and Islamic law (particularly in its modern interpretation) could make a difference to the prisoners (also called inmates) whom I serve.

Our Professor Ahmed Khater³ is a *Mufti* (a qualified legal scholar who can interpret Sharia and issue *fatwas*) with the AMJA (the Assembly of Muslim Jurists of America), the most recently founded of the modern councils. AMJA describes its founding in 2003, “It was established in response to the growing need of an Islamic jurisprudence specific to Muslims in the West...AMJA scholars, experts, and Imams lead the Muslim community into a better understanding of the practice of the religion of Islam in Western societies.”⁴ Another way to describe “Islamic jurisprudence specific to Muslims in the West” is with the term *minority fiqh* or *Fiqh al-Aqalliyyat*. What AMJA calls “the Muslim community” probably means the *Ummah*. Dr.

¹ Wael B. Hallaq, *Shari’a Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 31.

² Mohammad Hashim Kamali. *Shariah Law: An Introduction* (Oxford: Oneword Publications, 2008), 2-3.

³ “Ahmed Khater,” *LinkedIn*, accessed 7 May 2026, <https://www.linkedin.com/in/ahmed-khater-a877924b/>.

⁴ “About AMJA,” *AMJA Online*, accessed 10 May 2026, <https://www.amjaonline.org/about>.

Khater is also knowledgeable about the rulings of the ECFR (European Council for Fatwa & Research, founded in 1997), the FCNA (Fiqh Council of North America, founded in 1986) and other Islamic law organizations.

In our class, we considered the history of Islamic law and compared minority legal views of *fiqh* with the views of the four ancient *Maddhabs* or classical legal schools that are based in the work of Malik, al-Shaaf'i, ibn Hanbal, and Hanifah from the 8th and 9th centuries. In addition to learning about the history and application of Islamic law, during this class I observed that the pervasive concept of the *Ummah* appears to provide the environment and audience for both minority *fiqh* and traditional Islamic jurisprudence.

From what I read, the concept of the *Ummah* is thriving, in comparison to its historical parallel *Christendom* (global Christianity), a concept in common use from about the 10th to the 19th centuries.⁵ *Ummah* may be wrongly compared with the controversial and American-political concept of *Christian Nationalism*⁶ that is now sometimes being called *new-Christendom*.⁷ However, this comparison is not exact because *Ummah* is presented as being neither political nor particular to one nation. The concept of *Ummah* and the active engagement between Islamic Law and the worldwide Muslim community gives the impression of being a backdrop for today's Muslim life and scholarship.

Given how important the concept of *Ummah* is to Islam, I was surprised at how sporadically the word turned up in our assigned reading. For example, *Ummah* is used only twice

⁵ "The Concept of Christendom," *Britannica*, accessed 7 May 2026, <https://www.britannica.com/topic/Roman-Catholicism/The-church-of-the-early-Middle-Ages#ref931853>.

⁶ Laura Barrón-López, Sam Lane, "What is Christian nationalism and why it raises concerns about threats to democracy," *PBS News Hour*, 1 February 2024, <https://www.pbs.org/newshour/amp/show/what-is-christian-nationalism-and-why-it-raises-concerns-about-threats-to-democracy>.

⁷ John Heathershaw, "What is Christian Nationalism to Us? Making Better Sense of Christianity in Global Politics." *International Studies Review*, 25:4, December 2023, <https://academic.oup.com/isr/article/25/4/viad051/7394689>.

in AMJA’s “Family Code For Muslim Communities in North America” (52 pages).⁸ ECFR’s “Fourth Ordinary Session of the European Council for Fatwa and Research” (24 pages) also includes just one reference,⁹ as does ECFR’s “3rd Ordinary Session of the European Council for Fatwa and Research” (9 pages),¹⁰ I could find no *Ummah* references in AMJA’s “Recommendations of the 16th Annual Imams’ Conference on Contemporary Financial Issues” (23 pages),¹¹ or AMJA’s “18th Annual Imams’ Conference – Shareeah Rulings for Contemporary Issues Related to Technological Advancements” (23 pages).¹² Like air, the *Ummah* often seems assumed, only rarely being the subject of intentional and direct consideration.

An exception to this minimal *Ummah* reference pattern is the Islamic Center of Boston’s endorsement of FCNA recommendations, “Regarding the Adoption of an Astronomically Calculated Islamic Calendar.” In this document, *Ummah* was mentioned twelve times in 26 pages. Of particular importance to understanding *Ummah* is the section, “Fiqh Council of North America - Announcement (Aug 6, 2006)” that includes,

10. The Fiqh Council will continue working with the Imams and scholars of the communities to develop a consensus in this matter. It is, however, hoped that whether

⁸ AMJA / Salâh al-Sawy, “The Assembly’s Family Code For Muslim Communities in North America,” 2012, *AMJA Online*,

<https://www.amjaonline.org/declaration-articles/the-assemblys-family-code-for-muslim-communities-in-north-america>.

⁹ ECFR, “Final Statement - The Fourth Ordinary Session of the European Council for Fatwa and Research, 27-31 October 1999,” *e-cfr.org*,

<https://www.e-cfr.org/blog/2017/11/04/fourth-ordinary-session-european-council-fatwa-research/>.

¹⁰ ECFR, “Final Statement - The 3rd Ordinary Session of the European Council for Fatwa and Research Cologne” 19-22 May 1999,

<https://www.e-cfr.org/blog/2017/11/04/3rd-ordinary-session-european-council-fatwa-research-cologne-germany/>.

¹¹ AMJA, “Recommendations of the 16th Annual Imams’ Conference on Contemporary Financial Issues (Real Estate and Retirement Accounts),” 1-4 March 2019,

<https://www.amjaonline.org/declaration-articles/recommendations-of-the-16-th-annual-imams-conference-on-contemporary-financial-issues-real-estate-and-retirement-accounts>.

¹² AMJA, “18th Annual Imams’ Conference – Shareeah Rulings for Contemporary Issues Related to Technological Advancements, 2022,

<https://www.amjaonline.org/declaration-articles/recommendations-of-the-16-th-annual-imams-conference-on-contemporary-financial-issues-real-estate-and-retirement-accounts>.

some of us agree or disagree with this position, we shall all recognize the validity of ikhtilaf [scholarly differences] in this issue and that the Ummah should be united in brotherhood despite any legitimate fiqhi differences.¹³

The importance of brotherhood and unity in the *Ummah* even when discussing contentious legal and religious issues is key to the concept of a global community of Muslims. Two other important *Ummah* references in the Islamic Center of Boston's document are in the Frequently Asked Questions (FAQ) section,

Q 6. Are you not dividing the Ummah by introducing this method?

A 6. People are divided because they cannot agree on one method of sighting the Crescent and there are always disputes about who saw it and where and how many witnesses there were, etc. This scientific method is intended to help people become more objective and accurate and, Insha'Allah, this will unite the Ummah. ...

Q 10. Are you "liberal" Muslims? Is this a special madhhab that you are creating in America? Will all Madhahib agree on this position?

A 10. The members of the Fiqh Council are well-known Muslim scholars whose knowledge and services to the Ummah are well established. We do not seek to make large claims and instead we do fear Allah and wish to follow His Messenger's Sunnah to the best of our knowledge and capacity. We are not creating any new Madhhab and our members belong to various Madhahib, and Alhamdu'lillah they have all agreed upon this procedure for determining the Islamic dates.

This last FAQ answer establishes that the Fiqh Council (FCNA) members consider themselves as both qualified and dedicated to the *Ummah* rather than a political stance. While the questions indicate a potential mistrust for FCNA innovations and motivations, the answers indicate they are specifically working for the betterment of the *Ummah*.

Reviewing some of our class textbooks, I found a continuation of this sporadic pattern.

Looking in the Index for the word *Ummah* (and sometimes doing a full text search), I found,

¹³ Islamic Center of Boston, Wayland, "Regarding the Adoption of an Astronomically Calculated Islamic Calendar," 7 September 2007, <https://icbwayland.org/include/moonsightingdecisionweb.pdf>.

Number of <i>Ummah</i> references	Length of Document	Document
Zero	269 pages	Wael B. Hallaq, <i>Authority, Continuity and Change In Islamic Law</i> (Cambridge: Cambridge University Press, 2001).
Eight	24 pages	Shammai Fishman, <i>Fiqh al-Aqalliyat: A Legal Theory for Muslim Minorities</i> (Washington: Hudson Institute, 2006).
Zero	342 pages	Mohammad Hashim Kamali. <i>Shariah Law: An Introduction</i> (Oxford: Oneword Publications, 2008).
Eleven	614 pages	Wael B. Hallaq, <i>Shari‘a Theory, Practice, Transformations</i> (Cambridge: Cambridge University Press, 2009).
Zero	200 pages	Wael B. Hallaq, <i>An Introduction to Islamic Law</i> (Cambridge: Cambridge University Press, 2009).
Ten	45 pages	Taha Jabir Alalwani, <i>Towards a Fiqh for Minorities: Some Basic Reflections</i> , Trans: Ashur A. Shamis (London: The International Institute for Islamic Thought, 2010).

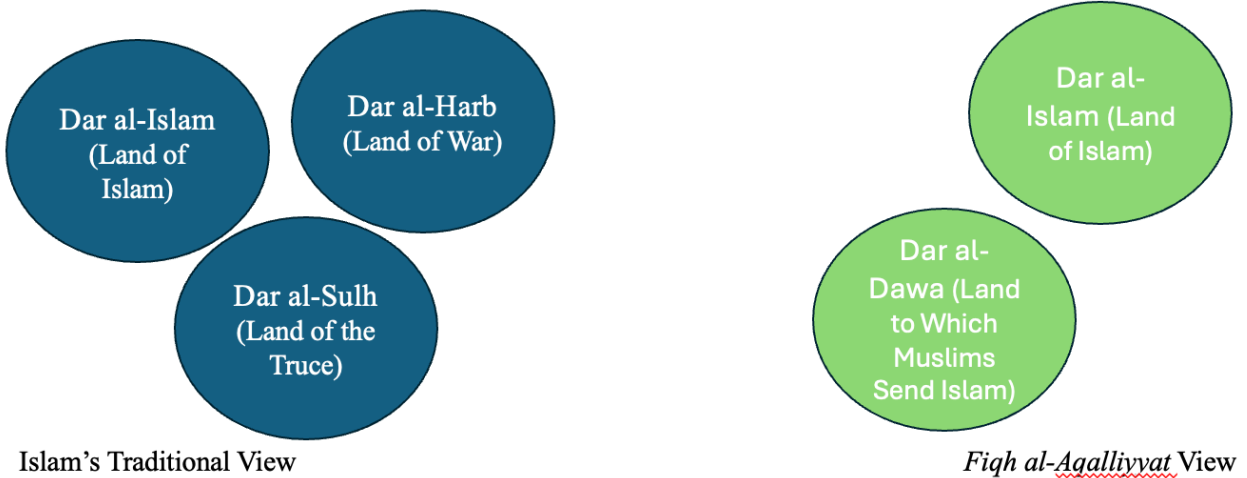
The two shortest textbooks in the table above (those by Fishman and Alalwani) have the highest concentration of specific references to the *Ummah* concept, perhaps because they are primarily about minority *fiqh* and are thus focused on benefiting the *Ummah* by extending the geographic and cultural context for *fiqh*. Alalwani writes, “The Muslim Ummah’s role is not limited by land or confined in space. It has to reach out to others to convey the message of God...Indeed, the concept of nation, or Ummah, in Islamic jurisprudence is not associated with a particular human group or geographical location.”¹⁴ Taha Jabir Alalwani seemed strongly motivated to benefit the *Ummah* in his founding of the legal field of minority *fiqh*. I think a distinguished author like Wael B. Hallaq may omit mentioning the *Ummah* frequently because he considers its importance obvious. When he does mention the *Ummah*, he says it is infallible.¹⁵

¹⁴ Taha Jabir Alalwani, *Towards a Fiqh for Minorities: Some Basic Reflections*, Trans: Ashur A. Shamis (London: The International Institute for Islamic Thought, 2010), 28.

¹⁵ Hallaq, *Shari‘a Theory, Practice*, 538.

During our readings and class discussions of minority *fiqh* and how it evolved, I was impressed by Shammai Fishman who wrote, “Muslims bear a message to non-Muslim nations and are obliged by their faith to spread Islam through *dawa*, an important Islamic concept.”¹⁶ From many years working alongside Muslim Chaplains in Santa Clara County jail, I am aware that they are as committed to evangelism of their beliefs as are my fellow Christians. All of us feel God’s call toward sharing our religious messages. Of course, no county Chaplain is legally permitted to proselytize an incarcerated person; however, if an inmate asks, we are allowed to provide scriptures, religious materials, and education. For my 26 February 2026 weekly reflection, I drew this diagram of my understanding of the evolving concept of the Muslim *Ummah* and Islamic law and their relationship to non-Muslims,

**Visualization of Islamic Legal Worlds,
Tradition versus *Fiqh al-Aqalliyat* (jurisprudence of Muslim minorities)**



¹⁶ Shammai Fishman, *Fiqh al-Aqalliyat: A Legal Theory for Muslim Minorities* (Washington: Hudson Institute, 2006), 3.

Fishman writes, “Traditionally, Islam divides the world into two territories: *dar al-Islam* (land of Islam) and *dar al-Harb* (land of war).”¹⁷ In contrast, Alalwani offers his summary of the Quran’s concept of geography,

The whole earth belongs to God and Islam is the religion of God. In reality, every country is either a land of Islam (*dar al Islam*) as a matter of fact, or will be so in the future. All humanity is the community of Islam (*ummat al-Islam*), either by adopting the faith or as a prospective follower of it.¹⁸

A concept I take away from Alalwani’s writing is that he sees minority *fiqh* as promoting the spread of global Islam and the growth of the *Ummah*. Fishman also writes about this. In “The Purposes of *Fiqh al-Aqalliyat*” Fishman says, “Muslims must deal with such questions as Islamic identity, the message of the Muslim in his new place of residence, his link to the Muslim *Umma* (“nation” founded by the Prophet in Medina) and the future of Islam beyond its current borders.”¹⁹ Questions of identity and community are of interest to many prisoners regardless of their religious context.

Jailhouse conversions are a fact of chaplaincy to prisoners. Many prisoners take incarceration’s involuntary suspension of their work, home, and civic lives to explore and deepen their religious lives.²⁰ In my observation, the two primary religions to which Santa Clara County jail prisoners convert are Christianity and Islam, probably because those are the religions most US prisoners follow.²¹ (Here, I use the word *conversion* for both Christianity and Islam but I am aware that many Muslims prefer the term *reversion*.)²² Prisoners’s motivations for considering

¹⁷ Fishman, 4.

¹⁸ Alalwani, 21.

¹⁹ Fishman, 3.

²⁰ Matthew Wilkinson, Lamia Irfan, Muzammil Quraishi, Mallory Schneuwly Purdie, “Prison as a Site of Intense Religious Change: The Example of Conversion to Islam,” *Religions* 2021, 12, 162, <https://www.mdpi.com/2077-1444/12/3/162>.

²¹ Pew Research Center, *Religion in Prisons – A 50-State Survey of Prison Chaplains*, 22 March 2012, <https://www.pewresearch.org/religion/2012/03/22/prison-chaplains-exec/>.

²² Theresa Corbin, “A Convert of a Revert? How It Does Matter,” *About Islam*, 27 August 2023, <https://aboutislam.net/reading-islam/living-islam/convert-or-revert-how-does-it-matter/>.

religious conversion vary. I have heard jail inmates talk about joining a group, whether it be a gang or a religious group, for personal safety, to have someone to watch their back. This motivation may cause prisoners to join whatever group is strongest in their local area of the jail. Other motivations may include theology, values, simplicity of message, stability and predictability, cultural affinity, or reasons that are more specific to the individual. Inmates may also switch religious affiliation because some religious groups are eligible for a special diet (such as halal, kosher, vegetarian, vegan). Different food can be an attractive benefit in an institutional environment where meals are sufficient and nutritious but boring. Some jail conversions may happen because sometimes there is competition among the religions as to who can gain the most converts.²³

Prisoners have time to learn, whether taking secular program classes offered by the jail in reading, math, vocational training, or other secular topics, or studying scriptures with Chaplains or fellow inmates. In our Santa Clara County jail, a wide variety of scriptures are available to most prisoners on the computer tablets available to them. As Chaplains, we get lots of questions based on the tablet materials, almost like some inmates are comparison shopping for a religion.

For some people (prisoners or free), having a defined ritual structure, simple theology, explicit rules, and a dedicated group with whom to pray can be very attractive differentiators when considering their path in faith. For others, having looser requirements and more independence matter more than being part of a group. Because minority *fiqh* seeks to make Islam more relevant to those who live in the western world, it may contribute to Islam's attractiveness both to existing followers and to potential converts.

²³ Carl Ellis, "Why are people converting to Islam? The answer may surprise you," *Crescent Project*, accessed 8 May 2026, <https://www.crescentproject.org/blog/why-people-are-drawn-to-false-religions-and-four-ways-to-help>.

The *Ummah* itself may be a major attraction. Famously, Malcolm X (Malik el-Shabazz) wrote in a 1964 letter from Mecca,

There were tens of thousands of pilgrims, from all over the world. They were of all colors, from blue-eyed blonds to black skin Africans. But we were all participating in the same rituals, displaying a spirit of unity and brotherhood that my experiences in America had led me to believe never could exist between the white and non-white...I have never before seen sincere and true brotherhood practiced by all colors together, irrespective of their color.²⁴

His powerful experience of the unity and brotherhood of *Ummah* at the Hajj inspired Malcolm X to change his life, his work, and his philosophy. I wonder if it had existed during his lifetime, the “one size does *not* fit all” assertions of minority *fiqh* may have been attractive for the independent and revolution-minded Malcolm X had he lived longer. He was assassinated less than a year after writing the letter from Mecca.

In addition to the worldwide *Ummah* community, Islam offers stable structures like *Sharia* law and *fiqh* rulings that are unparalleled in many branches of Christianity. The notable exception to this is the very structured teachings of Roman Catholicism. For example, “The Catechism of the Catholic Church” takes about 800 pages to summarize its religious doctrine and rules of life.²⁵ Compare this to “An Outline of Faith - commonly called the Catechism” of the Episcopal Church which is only 17 pages long.²⁶

In addition to writing about minority *fiqh*, Taha Jabir Alalwani addresses the benefits of Islam to those who manage jails and prisons. He writes,

Prison authorities have welcomed Muslim teachers and preachers to conduct prayers, teach prisoners about Islam and discuss it with them. Some of them have been appointed

²⁴ Malcolm X, “Malcolm X’s Letter from Mecca (April 20, 1964), *ICIT Digital Library*, accessed 10 May 2026, <https://www.icit-digital.org/articles/malcolm-x-s-letter-from-mecca-april-20-1964>.

²⁵ “Catechism of the Catholic Church,” *Vatican.va*, accessed 8 May 2026, https://www.vatican.va/archive/ENG0015/_INDEX.HTM.

²⁶ Episcopal Church, “An Outline of Faith - commonly called the Catechism,” *The Book of Common Prayer* (New York: Oxford University Press, 1990), 845-862.

to well-paid positions by these authorities. They welcomed the spread of Islam through the prisons, once they witnessed its positive effects on the prisoners' behavior by persuading them to abandon drugs and avoid crime.²⁷

Stability and good behavior are certainly valued by those who manage prisons and jails, regardless of whether these are associated with religion. However, Wilkinson, Irfan et al. argue the benefits of Islam from a prisoner's point of view, "Contrary to the cynical discourses that prisoners primarily choose to follow Islam for perks, protection and privileges, our research shows that Muslim prisoners are more likely to choose to practise Islam for reasons of piety, emotional coping and good company." They continue, "choosing to follow Islam impact in a significantly positive knock-on way on prisoners' attitudes to rehabilitation"²⁸

In conclusion, the background presence of the *Ummah*, even when the global community of Muslims is not explicitly mentioned, conveys a message of social cohesion and brotherhood that prisoners may particularly value and have need of in their lives. The modern interpretation of Islamic law known as minority *fiqh*, with its focus on cultural and social relevance, probably enhances the attractiveness of Islam to prisoners. This may be particularly true for those who have no cultural or historical affiliation with majority-Muslim lands in the Middle East, North Africa and Indonesia.

²⁷ Alalwani, xviii.

²⁸ Wilkinson, 1.