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Muslims in Making of Europe: Citizenship and Public Sphere

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Abstract: In this thesis, main concern is how to approach the Muslim population in Europe in terms of citizenship and public sphere. I have chosen these two themes for a particular reason: through the discussions of the themes, my aim is to characterize the degree and scope of political participation of Muslims in Europe. To achieve this goal, I have tried to compare different notions of selfhood and the public to show the differences and similarities between different traditions. In the literature on Muslims in Europe, an observation has gradually become salient: the emergence of a Euro-Islamic public sphere that denudes the national identities but at the same time reinvigorates a transnational socio-religious movement. The process has reinvigorates two important impacts re-conceptualization of minority status in Islamic law and the re-construction of the notions of public sphere and modernity in liberal political theory.

Abstract: Diese Masterarbeit beschäftigt sich hauptsächlich damit, wie die muslimische Bevölkerung in Europa im Hinblick auf Staatsbürgerschaft und Öffentlichkeit behandelt wird. Ich habe diese zwei Themen aus einem bestimmten Grund gewählt: mit der Diskussion dieser Themen möchte ich den Grad und die Bandbreite der politischen Partizipation von Muslimen in Europa charakterisieren. Um dieses Ziel zu erreichen, habe ich versucht, verschiedene Auffassungen von Individualität und Öffentlichkeit zu vergleichen, um die Unterschiede und Ähnlichkeiten zwischen verschiedenen Traditionen aufzuzeigen. In der Literatur über Muslime in Europa hat sich nach und nach eine Betrachtungsweise in den Vordergrund geschoben: die Entstehung einer Euro-Islamischen Öffentlichkeit, welche die nationalen Identitäten verschwinden, aber gleichzeitig eine transnational sozio-religiöse Bewegung neu aufleben lässt. Dieser Prozess hat zwei wichtige Wirkungen: die Rekonzeptualisierung des Minderheitenstatus im islamischen Recht und die Rekonstruktion der Auffassungen von Öffentlichkeit und Moderne in der liberalen politischen Theorie.

Muslims in Making of Europe: Citizenship and Public Sphere

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Part A

Introduction

I. A Cursory Background of the Issues

Although different Muslim societies have been in contact with different European societies for centuries, researches on the Muslim communities that live in Europe are phenomena that we observe only in recent decades.[1]

The thesis will be based on two theoretical positions which gradually dominate the studies on Muslim communities in Europe: Public Sphere and Political Liberalism. By public sphere in the context of Muslim communities in Europe, it is meant the entrance and implications of Islam into the formation of European public sphere. Recently, we observe an increase (or an expansion from "private to public" or "de-privatization of religion" in Jose Casanova's terms.) in the religious and political consciousness of the communities.[2] Discussions about mosque building processes, headscarve and caricature crisis show the limits of a labor and migration oriented approach. Following Salvatore, I will approach to the issue of Islam and Europe in a broader context: I will question the role of Islam in formation of a European public sphere. The role of religion in public sphere is elaborated by Casanova in terms of confrontation and transformation:

> By entering the public sphere and forcing the public discussion or
> contestation of certain issues, they (*religions)* force modern societies
> to reflect publicly and collectively on their normative structures.
> ….but in the very process of entering the modern public sphere,
> religions and normative traditions are also forced to confront and
> possibly come to terms with the modern normative

[1]   Kepel (1997: 48) stresses the lack of the social scientific interest on Muslim populations in Europe, qua Muslims, prior to the 1980s. (Grillo 2004)

[2]   By change in the consciousness, I do not only refer to the Muslim communities, but also general "political importance" that religions have gained.

structures.(Casanova 2001: 1048- 1049)

I want to emphasize that confrontation and transformation in public sphere should be considered simultaneously at the level of norms and traditions. The parochial capacity of a tradition to become part of different social fields could induce an attempt either to refuse or to revitalize the tradition's argumentative and symbolic resources. (Salvatore 2004: 1025) Question of how and where normative Islam enters into the formation of public sphere implies to the very struggles that define the borders between religious and secular fields. Salvatore perceptively foresees an emergence and functioning of a "Euro-Islamic Public sphere" through which the value issues are shifted from symbolic representation at the hand of state or its cultural core to the real and complex terrain of production. (Salvatore 2007b: 142)

Since we are talking about a transnational Euro-Islamic public sphere, the link between public sphere and nation state should be taken into consideration. The theory of public sphere originally was devised under the Westphalian political imaginary to the extent that the public sphere should be in line with a sovereign power. Transnational space that religion occupies, on the other hand, has disruptive impacts on the territorially bounded political imaginaries.[3]Nevertheless, focusing only on the correlation between public sphere and nation-state will hinder recognition of the discursive shaping of the common good. (Salvatore 2007b: 48) Common good and discursiveness are two important elements in discussions of a Euro-Islamic public sphere. Islam as discursive tradition is identified by its own rationality or styles of reasoning and diversity of Islam

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3   Casanova approaches to the issue on normative level, that the intrinsic value of the common good in religion is in tension with the nation-state:

> Religions remind both states and their citizens of the human need to subordinate
> the logic of state formation to the 'common good'. Moreover, transnational religions
> are in a particularly advantageous position to remind all individuals and all societies
> that under modern conditions of globalization, the common good can increasingly be
> defined only in global, universal human terms, and that consequently, the public
> sphere of modern civil societies can not have national or state boundaries. (Casanova
> 2001: 1049)

in various local manifestations is organized by the discursive tradition; a set of well-defined and universally accepted foundational texts and interpretive techniques in Islam that ultimately determine the constraints and flexibilities in public reasoning. (Anjum 2007: 659-662)

European intellectual trajectory has largely ignored to establish an epistemic relationship with the Islam, Renate Holub argues.[4] She identifies a typology of intellectuals' views of future of the Europe in relation to Islam: 1- European public intellectuals who deals with the problems of the migration and citizenship in general in their work, while ignoring Islam and Muslim population; 2- Right wing intellectuals who defends the position that the immigrants from Muslim majority countries cannot be assimilated or integrated; 3- Middle strata intellectuals, including journalists who readjust the message of the second group in line with the discourses of the political leaders; 4- Organic intellectuals emanating from or having close relations with the migrant populations, who assert their knowledge and cultural traditions that diverge from Europe into public discourse. Holub contends that the participation of organic intellectuals will force the European intellectuals to rethink and critique the project of modernity. (Holub 2007)

We can approach Tariq Ramadan as one of those organic intellectuals who play an important role in the formation of Islam in Europe. He is in favor of a rereading of foundational texts within the light of European experience to situate and to relate Muslim migrant minorities with the basic principles of Sharia law. In another words, he tries to identify the Muslim predicament in liberal democratic society by calling the European environment as the "Abode of Testimony" (Dar al - Shahada) instead of applying orthodox view of "Abode of War" (Dar al – Harb) or "Abode of Proselytizing". (Ramadan 2005) According to him, European environment is a space of responsibility for Muslims, to contribute wherever they are, to promote good and equity within and

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4   A possible reason for this intellectual blindness is the assumption that Western Civilization has its roots in Judeo-Christian tradition. Jurgen Habermas argues for this "rootedness" in an interview with Eduardo Mendiata. (Habermas 2002: 157) A symbolic title was chosen for the related section in his book: "Jerusalem, Athens and Rome". Charles Taylor, however, argues otherwise by speaking "unbridgeable gulf between Christianity and the Greek Philosophy". (Taylor 2007; quoted in Asad 2008) A broader definition of Western civilizational space is as follows: "the Abrahamic traditions and the Hellenic political and cultural heritage." (Salvatore 2007c)

through human brotherhood. (Ramadan 2005: 150) Andrew March reads the attempts of Ramadan as the search for an "overlapping consensus" which is compatible with the principles of political liberalism. (March 2007)

Political liberalism which is the second major theoretical influence on the literature is resonant with the "Islamic bid for justice." Discourse of justice in Ramadan (yet not exclusively) is based on the rights and citizenship. It is a response to the "disaggregation of citizenship."[5] Contemporary Europe witnesses a process that "entitlement to social rights is replacing the exercise of democratic citizenship." (Benhabib 2002: 453) Coming from migration background, Ramadan represents a "cosmopolitan political agency" who strives for more political rights, not just at the level of institutions, but at normative and cognitive level by both urging Muslim migrants to locate themselves in Europe (in terms of identity and belonging) and to be part of "Umma."

Relevancy of political liberalism in understanding the contemporary predicament of Muslim communities in Europe boils down to the issue of Islamic affirmation of citizenship in non-Muslim liberal societies. Central features of such an affirmation are that it should be acceptable from a liberal standpoint and be adequately tenable to believers. Distinction between citizen and alien (who does not participate politically in society) and avoidance from the latter correspond to the political agency Ramadan asks since the political liberalism requires public justification. (March 2006: 383)

In conclusion, my approach to the presence of Islam in Europe will be closer to the Salvatore and Holub. Interactions and conflicts that create a "European Islam" also create the Europe itself. And intellectuals and ordinary people equally play crucial role in this double formation process.

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5   Benhabib mentions that throughout Europe a decoupling of national and cultural origin from the privileges of political membership is visible. (Benhabib 2002: 453-460) When stressing the "political incorporation through immigration", she notes a tension (or a contradiction) at the heart of the norms and practices of liberal democracies regarding the political incorporation: a tension between the commitments of liberal democracies to universal human rights on the one hand, and sovereign self-determination claims on the other. This maybe also the reason why sometimes Islam in general and Ramadan in particular are treated with suspicion. Designation of the "national" community as closed social system under the authority of territorially bounded sovereign is in conflict with a democratic but at the same time transnational political agency.

II. Objectives and Research Questions

As it was stated above, the general frame of investigation is the role of Islam in formation of European public sphere. More specifically however, I want to contemplate on whether the new forms of a socio-political agency which emerges out of Muslim communities in Europe contributes to the critical reexamination of secularity and citizenship. Sociological observation that forms this new form of agency comes from young generations of the Muslim migrant communities who differentiate from earlier generations by their tendency to establish a direct relationship with the main sources of Islam. (Namely Quran and Hadith) Here I should reflect more on the concept of Islam as discursive tradition for the reason that I do not refer to the differentiation between younger and earlier generations to remind the dichotomy of Modernity vs. Tradition.[6] Two different kinds of authority are in struggle when the younger generation rejects experience of Islam in their families; authority of Muslim orthopraxis / tradition and authority of the tradition which is based on particular national backgrounds.[7]

The questions that I will try to seek an answer are:

- Where does this "newness" come from? To what extent can we talk about this new agency? Why is it relevant to scrutinize the kind of subjectivity that I am talking about? One of the central premises of the study is that the "critical reexamination" (of secularity and citizenship) is possible through the pluralization and hybridization of public sphere which is concomitant of

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6   Orthodox Sunni Islam has emerged as lay ecumene of "managed disagreement" in public reasoning. (Salvatore 2007c: 140) Thus, opposing interpretation is still within the confines of the Orthodoxy. A frequently cited example of "managed disagreement" and also one of the key defining moments in early Islamic history was on the two opposing conceptions of justice during the "Battle of Camel" in 636. I will not look into historical details or narration, as far as our topic is concerned, the main source of conflict was between relative justice (adalet-i izafiye) and pure (ultimate) justice (adalet-i mahza) in determining the common good. (or the appropriate "Ijtihad") Although different understandings of justice led to the war, both sides are revered by the Muslims today on the ground that they were deliberating to arrive at a decision which is closest to the reason and faith.

7   I don't subscribe to the Durkheimian understanding of the "social fact." Logic of action is shaped and transformed by the both normative order and lived experience. In our context, discursivity allows flexibility to the religious practice.

transnationalization processes. How have the problems of transnational Islam and Europe started to be linked by both Muslim and non- Muslim voices?

- What are the connections between this new type of agency and "reconstruction of Muslim traditions" which was observed in 19th century of the Egypt, India and Ottoman Empire? The project of reform which was designed by the public intellectuals and governors reexamined the traditional forms of Islamic reasoning to promote education, collective welfare, economic development, and public morality. (Salvatore 2004: 1016) The argument is that reconfiguration of Islamic reasoning / Muslim traditions via press, public discussions, sermons, coffee house circles did not turn the traditional norms of self, community and authority into modern model of personal responsibility and loyalty to the nation state. Islamic reform kept a high level of indeterminacy and distrust towards secular modern state. I will try to establish connections between reproduction / reemergence of Islamic legal knowledge in the field of minority law ("Fiqh al- aqalliyyat" which deals with Muslim loyalty, citizenship and residence in non- Muslim majority countries) and so called "failure" of reformist intervention in Muslim traditions.

- How does this agency subvert the "traditional" constructions and dichotomies of religion / politics and public / private sphere and critically reconstruct them? What I have in mind is the tension between European secularity which is based on "specific forms of power" and distinctive fears of authority on one side and Muslim actors in European public sphere with their justice claims on the other. This question is important for me to understand the reconfiguration of secularity and citizenship, because the more migrants dissociate themselves from the closure of "foreignness" and enter into political space in the "host" country; the more they are expected to exhibit the very same "rules of game" which is formed through specific forms of power. (I mean the Wars of Religion and results of Westphalia Peace or briefly "Westphalian political imaginary")

- In the making of Muslim public space, to what extent does the discourse on "justice based

citizenship" relate to the "Muslim techniques of power"? What kind of concepts do Muslim actors use when they refer to the justice?

- Empirical appearance of the new type of agency is relational, interactional and event based. Hence, the encounter between the secular and the pious is formative and constitutive even though it is "agonic" in the account of Salvatore's dialogic public sphere and it requires overcoming of "cognitive dissonances" in the "complementary learning processes" of Habermas. However, for the sake of argument, when we assume that pious and the secular as two distinct categories, we inevitably search for the limits of these categories: secular has its own formation in history so it depends on the Westphalian political imaginary that I have mentioned above, the pious has its own tradition and roots of authority (text, revelation etc.) and the argument goes on, the secular in contemporary world has the power so it is the one to "show" the pious what realistic condition for exit are in the modern world. Main problem with these categorically two distinct approaches is that the possibilities for reconciliation (and for a pluralist public sphere) are limited in the sense that two categories are designed to have their own "structural" limits. For that reason, I find Rawlsian reading of Muslim presence in Europe relevant in articulation of Islamic affirmation of citizenship to ameliorate the ill effects of the disaggregated citizenship by focusing on the common good.

III.Methodology

The study will be a normative and interpretative discussion of Orthodox Islam in European context. The reason that I have chosen these two methods is that I focus on understanding and meaning making processes rather than explanation. Hermeneutical inquiries on "Muslim orthopraxis" are also important part of the discussions. I will take arguments mostly from two theoretical positions which gradually dominate the studies on Muslim communities in Europe: public sphere and political liberalism. Main sources will be the literature on migration and historical

studies on secularity, citizenship in Europe and on transformation processes in late 19th Ottoman Empire and Egypt. I am primarily interested in ideas behind the social and political changes.

Since the study is a qualitative inquiry; interpretation, hermeneutics (and social constructionism) will be applied as a tool to justify the arguments. I will try to discover the underpinnings of 'meaning-making processes' of the subjects. By doing this, I assume that there certain meanings in human action. This assumption comes from the interpretative tradition that involves what a particular action means, requiring that one interpret in a particular way what the actors are doing. (Schwandt 1994, p.191) Maybe the most important tool that I will use is the 'heuristic inquiry'. It is a kind of phenomenological inquiry that give the utmost importance to the personal experience and insights of the researcher. In regarding to some phenomenon of interest, the researcher asks, 'What is my experience of this phenomenon and the essential experience of others who also experience this phenomenon intensively?.' (Patton 2003, p.459) For that purpose, I ask what the meaning of being citizen is for a Muslim in Europe. Similarly, in the third part, I try to understand the meaning of political activism and communication in a secular / liberal context from the perspective of Muslims.

Michael Quinn Patton claims that there are two focusing elements of heuristic inquiry within the larger framework of phenomenology; (a) the researcher's personal experience and connection with the study subject, and (b) others who share an intensity of experience with the study topic participate in the inquiry. (Patton 2003, p.460) I can argue that the writing process is also a self-discovery and positioning with regard to the problems that the study aims to investigate. It is emphasized that a heuristic inquiry is concerned with meanings, not measurements; with essence, not appearance; with quality, not quantity; with experience, not behaviour. (Douglas and Moustakas 1985, p.42, cited in Patton 2003) Hence I am not primarily interested in statistical information or quantitative measurements; rather I am engaged with a system of meanings that are behind the behaviour. The relation between me and the issue that the thesis explores are obviously connected through the semantic source and environment in which I live.

Part B

Citizenship in Muslim Communities of Europe: A Conceptual Investigation

This part is an attempt of reading the contemporary predicament of Muslim communities in Europe through the broad theoretical frames of citizenship. It will try to analyze the reconfiguration of rights discourse that leads us to consider postnational citizenship phenomena as a development that obscures the boundaries of the Westphalian system of political order. After comparing the two different kinds of human subjectivities, namely 'modern responsible agency' and Islamic concept of selfhood, and examining their implications for the citizenship practices of the migrant communities, I argue that there is a close connection between these two different notions of selfhood and the way Muslim migrant communities politically engage in the European societies.

KEYWORDS: immigration, postnational citizenship, modern responsible agency, discursive tradition.

I. Citizenship and Immigration: Changing Parameters

How does immigration influence the traditional notions of citizenship in a contemporary liberal democracy? In what ways do immigrants shape (and are shaped by) the realm of the citizenship? Heavily determined by the nation-state boundaries, the democratic political agency in Europe is gaining new impetus from the migrant communities to transform the conventional acts of citizenship, that at the end forces us to rethink the politics dependent on nation-state boundaries. In this section, I will deal with the questions that migration in general and Muslim communities in particular poses regarding the limits and contents of a liberal democratic

citizenship.

Postcolonial and labor immigration after second world war to European countries have been subject to numerous studies that compare the relative success that immigrants have displayed in the host countries' economic life with the failure of political and social 'integration' which are still an issue of contention. Especially if we consider the ethnic-genealogical citizenship traditions that confine the political space to particular historical formations of culture and nation-state, the existence of failure makes sense. Brubaker (1990) has showed, in a comparative study of how the historical development of the country shapes the citizenship law in the case of France and Germany, that French conception of nationhood has been universalist, rationalist, assimilationist and state-centered, while the German conception of nationhood has been particularist, organic, differentialist and Volk-centered. This is because the latter's idea of national feeling developed before it is nation-state, making ethnocultural unity the base of the state, unlike the former's assimilationist citizen formation processes which are coming from early nation-state formation. Brubaker concludes that different historical traditions also made the two countries' citizenship admission processes different; a substantial portion of postwar immigrants in France transformed into French citizens while the naturalization rate in Germany is much lower. (1990, p.398) This shouldn't be seen as a success story of one tradition in contrast to another. Rather, in French case, gaining full citizenship rights do not give one full political membership rights as I will argue later. Traditional forms of citizenship are challenged by the migratory movements and they are leading towards new directions despite the persistence of historical formations that Brubaker describes. In an article which explores the implications of transnationalization for citizenship and culture, Faist identifies three concepts of immigrant adaptation with their distinct equivalents of citizenships: 'assimilation' to a unitary political culture in a single nation-state, 'ethnic pluralism' as the recognition of distinct cultures to multicultural citizenship, and 'border-crossing expansion of social space' as enhancing individual and collective identities to dual citizenship and dual nationality. He asserts that these three forms of formal citizenship are more or less related to the nation-states'

unitary assumption that (forcefully) connects one people to one territory and *one cultural space*. (Faist 2000, p.204)

Perhaps one of the most important studies that examines immigration and its influence on citizenship in postwar Europe is Soysal's postnational model of membership that focuses on the processes that blur the "nation states' congruity assumption."[8] (Soysal 1995) While deprived of formal citizenship, 'the guestworkers' have acquired full civil and social rights (such as family unification, freedom of assembly and association, freedom of movement, retirement benefits, health insurance, unemployment compensation.) through the thrust of transnational human rights regime and discourses. So it is not the national cultural space that provides a repository for belonging now, but the universal human rights discourses that sustain the membership for immigrants in nation states. Soysal argues that in the nation-state mode of political community, national belonging creates the source of rights and duties of individuals; and citizenship is marked by national collectivity. The postwar era, however, has witnessed a flourishing reconstruction of (national) citizenship rights as human rights. Rights that were once linked with belonging in a national community have become increasingly detached from national context, and legitimated at the transnational level. (Soysal 2000, p.5; Joppke 1999, p.630) One of the possible consequences of this process is the disaggregation of citizenship rights into; collective identity, privileges of political membership and social rights and benefits. One can have one set of rights and claims without the other: one can have political rights without being a national, as is the case of the EU; frequently, however, one has social rights and benefits (health insurance, unemployment compensation etc.), for being a foreign worker, without involving in the same collective identity or holding the privileges of political membership. Disaggregation of rights leads to the emergence of 'permanent alienage', namely the creation of a group in society that shares property rights and participates in civil society without having access to political rights. (Benhabib 2002, p.454-55)

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8   Benhabib reads this 'congruity assumption' in a Weberian ideal typical model: "Following Max Weber, we may say that this unity of residency, administrative subjection, democratic participation and cultural membership constitutes the 'ideal typical' model of citizenship in the modern nation-state of the West." (Benhabib 2002, p.454)

Maybe the most important distinction in terms of political membership in EU is the distinction between third country nationals and citizens of the member states of the Union. EU citizens can vote, run for and hold offices in both local and Union wide elections, while this is not possible for third country nationals although permanent legal residents (second generations and afterwards) are born and have lived their entire life in the host country. However, there are exceptions to this distinction: Third country nationals in Finland, Denmark, Holland and Sweden have a right to attend in local and regional elections, in Ireland it is only local elections but not regional, in UK the commonwealth citizens can vote in national elections. (Benhabib 2002, p.460) This distinction between EU citizens and third country nationals has concentrated on the restrictive regulations in political decision making processes. Social rights (like retirement pensions), civil and cultural rights (like right to establish associations and speaking native languages) are perceived as inviolable individual rights that must be granted, the political rights, on the other hand, is exclusively for the nationals of the respective states.

Naturally, one wonders about the roots of 'postnational membership.' Why are the social and civil rights given while the political rights (formal citizenship, voting rights) are difficult to access? In articulating this question, one can recognize the asymmetrical power relations between the parties: immigrants, permanent resident aliens (or denizens), asylum seekers are given rights as 'passive subjects' which has to be 'incorporated' into the national community. Benhabib notes the 'hiatus' between the self-understanding of liberal democracy and its restrictive practices that regulate the entry into and exit from political space. (Benhabib 1999, p.727) The diagnosis that the liberal democratic citizenship is 'disaggregated' into different rights regimes for different groups does not explain why the political citizenship is made difficult for immigrants. Could this difficulty be attributed to the same compromise that T. H. Marshall argued for the 20th century's expansion of social rights that were crucial to the working class's progressive integration in British society? It was claimed that the development of welfare policies aimed at mitigating the impact of unemployment, sickness and distress was elementary to political and social stability. (Leydet 2009)

So could we claim that the 'decoupling' of social rights from political rights implies achieving the political stability at the cost of an exclusionary citizenship regime?

The answer is partly in the self-understanding of the liberal democracy which is shaped by the 'Westphalian political imaginary.' As an event, Westphalia refers to the peace settlement formed at the end of the Thirty Years Wars, (1618-1648; initially started within the Holy Roman Empire and then all major European powers involved.) which also served as structural frame for world order that has existed till today. (Birth of modern system of territorial sovereign state and raison d'état are taken as the legacy of Treaty of Westphalia.) As an idea, Westphalia points to the state-centric character of world order based on full participatory membership being conferred solely to territorially based sovereign states. (Falk 2002, p.312) In this system of orders, territorial sovereignty determines the boundaries of political membership. As a political imaginary, Westphalia not just shaped the institutional state system but also political mobilization in nation state. It is claimed that this political imaginary informed the postwar framing of debates about justice in Europe, even as the beginnings of a post-Westphalian human-rights regime appeared. (Fraser 2005, p.70) However, as it is stated at the outset, I am trying to answer the question of how immigration is changing the conventional practice of citizenship. Juxtaposition of post-Westphalian human rights regime which is upheld by international law and nation state with its unilateral power claims creates tensions that characterize the transformation process of citizenship practices. (by which the citizens are able to influence and change the political decision processes, they are both authors of the law and are subject to it.)

'Westphalian political imaginary' is challenged by the postnationalization processes by which it is meant increasing density of global migration and emergence of supranational entities, (such as EU and direct effect rule of European Court of Justice in the first pillar that overrides member state law.) and increasing influence of human rights discourse. When we talk about immigrants in European Union countries, national citizenship or formal nationality is no longer a crucial construction in terms of how the citizenship is transformed into the rights and privileges.

Although it is not possible to claim the waning of the formal citizenship, the postnational condition has begun to effect the reconfiguration of rights. Claims-making and participation are not unquestionably accompanying to the national order of things. (Soysal 2004) New forms of mobilizing and enhancing claims beyond the umbrella of national citizenship are witnessed among the migrant communities of Europe. This largely happens due to the postnationalization processes that shakes the national citizenship as sole signifier of political membership. By national citizenship, I mean the status of a member of the society in terms of playing a role in decision making or self governance processes. Soysal (2004) claims that while collective groups increasingly mobilize around claims for particularistic identities, they connect their claims to transnationally institutionalized discourses and agendas of human rights. I will try to analyze the argument through a recent case.

II. El-Sherbini Case: Not for Hijab but for Human Rights

The case briefly developed in this way: An Egyptian pharmacist, 32, Marwa el-Sherbini who was living in Germany since 2003, stood in a Dresden courtroom on 2 July 2009, testifying against a man charged with racially insulting her. Then the defendant went across the courtroom, and stabbed her with a knife, 18 times. As her husband, Eliv Ali Okaz, ran to her aid, he was shot by police who mistook him for the attacker.[9] The assailant was a "Russlanddeutschen", an immigrant who came to Germany to work, for the same reason that El-Sherbini came. He was "more" German" than the El-Sherbini and her husband in the eyes of the police. This is a typical ethnic-genealogical citizenship practice that excludes the immigrant (a non-member of dominant ethnic group) not just from formal citizenship but also from equal treatment. Reactions to the murder case are diverse, but I will cite two examples which show how the 'collective claims-making processes' are connected to the transnationally formed discourses and identities become particularistic and

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9   Collins, R., Marwa el-Sherbini: Egypt's 'headscarf martyr' | News | *The First Post*. Available at: http://www.thefirstpost.co.uk/50410,news,marwa-el-sherbini-egypt-headscarf-martyr-germany-burka-okaz-racism-sarkozy [Accessed July 26, 2009].

expressive.

First one surveys the reception of the case in Egypt and other Muslim countries and asks why the Muslims are silent regarding 'Hijab martyrs' within Muslim majority countries by arguing that El-Sherbini had won on her 'hate crime claim' and awarded damages because she had been called a 'terrorist' while the cases in latter are mostly ignored by the judicial system.[10] Second example is in a more direct connection with the human rights discourse that does not want to recognize the case in religious terms. Rather it considers the case as a matter of violent Islamophobia and racism and urges the readers to think the case not as religious conflict by saying that Marwa did not die because she was wearing a hijab, she died because a racist murderer killed her.[11] What we see is a clear human rights discourse rather than a plea for a religious freedom, as Soysal would argue. However, the second part of Soysal's argument that identities become 'particularistic and expressive' is problematic for the reason that the way the Islamic practice handled by the sociology of religion as a discipline has a particular historical formation process.

An important reason that makes Soysal's argument problematic to apply for the 'hijab' issue is that it would reduce the Hijab to a substantial symbol which is part of the sociological view of religion as essentially consisting of *functional* meanings. According to this view, which is inherited from French sociological and anthropological theory to the European social theory at large (Tarot 1999, cited in Salvatore 2007), the social processes have symbolic dimensions without which our social sentiments cannot live.[12] We frequently hear the secular argument that the Hijab is a *symbol for political Islam* and it creates pressure on 'non-veiled' Muslim girls, therefore there is no place for religion in public sphere, that at the end justifies the ban on headscarves in public schools in France and Turkey.

In the first part of the article, I cited Brubaker's claim of high naturalization rate in France

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10 T.Uddin, A., altmuslim - Germany's Marwa el-Sherbini: The "hijab martyrs" among us. Available at: http://www.altmuslim.com/a/a/a/3183/ [Accessed July 26, 2009].

11 Marwa El Sherbini Did Not Die For Her Hijab, So Please Stop Saying That She Did « Muslimah Media Watch. Available at: http://muslimahmediawatch.org/2009/07/23/marwa-el-sherbini-did-not-die-for-her-hijab-so-please-stop-saying-that-she-did/ [Accessed July 26, 2009].

12 [...] without symbols, social sentiments could have only a precarious existence. (Durkheim 1912, p.231)

and said it doesn't imply expansion of rights of the migrants, now in ban on headscarve case, success in granting the political membership does imply the expansion of state's authority over the migrants. It was the fear of the loss of authority in the classroom that triggered the ban process. The legacy of French sociology (Durkheim and Mauss) on contemporary discussions of secularity and religious practice in liberal secular democracies ignores the question of who are the interpreter and his/her interaction with the head-scarf wearing woman. *Whether an object has a symbolic meaning and what this meaning is depends not only on the context but also on the positioning of the interpreter and on the inherited power relations among the actors*. (Salvatore 2007, p.148) Association of headscarf with the political Islam and 'expressive identity' (and with the terrorism in El-Sherbini case by the assailant) but not with a faith by the anti-Hijab countries manifests strong will to restore the state authority in public schools. So it is the positioning of the state as pro-ban that foregrounds the view that headscarf is a symbol.

The fundamental ways through which the sociology of religion have connected religious traditions to the public sphere emanate from the traumatic experience of religious conflict and religious wars in early modern Europe and the subsequent nationalist wars from the eighteenth century through to the Second World War. (Salvatore 2004, p.1020) Hence, the proposition that the headscarf is a symbol, very much similar to the 'expressive identity' narration, has its own historical formations and is not necessarily related with the Islamic tradition. Yet, the particular formations are mostly ignored in dealing with the Islamic practices in European context.

To repeat the arguments so far, the works of Soysal and Benhabib show that immigration and the development of political globalization (universal human rights, increasing discourse of cosmo-political justice) has challenged the conventional forms of citizenship. We have observed that the phenomena of the disaggregation of citizenship (collective identity, privileges of political membership, social rights and benefits) which contends that the entitlement to rights is no longer dependent upon the status of citizenship to the extent that legal resident aliens have been

incorporated into human rights regimes, as well as being protected by supra- and sub-national legislations. (Benhabib 2002, p.459) While they are incorporated into human rights regime, the immigrants are denied or made difficult to access political membership.

Several questions arise as we are forced to think about the place of politics in the Muslim communities that reside in Europe permanently and yet politically 'ineffective.' (I mean the legal permanent residents who do not have political rights; 'denizens') For instance, a recent study by the German Federal Office for Migration and Refugees shows that it is only 45 percent of the Muslim population in Germany that have German citizenship.13 (Total number of Muslims in Germany is estimated at between 3.8 and 4.3 million.) One way to approach this problem is to look at different understandings of selfhood to show the social philosophy behind the concept of citizenship and the agency or the lack thereof among the Muslim communities. To do this, first, I will take Talal Asad's proposal on how to deal with Islam as an object of scholarly investigation to situate the migrant communities in their own socio-cultural context / ways of 'meaning making processes' and then consider the concept of 'modern responsible agency' from the perspective of citizenship in relation to the idea of selfhood in Islam.

III. 'Islam as a Discursive Tradition'

In a seminal essay that he wrote in 1986, Asad criticized previous anthropological studies on Islam on the ground that they establish their foundations on the notion of a determinate social blueprint or on an idea of an integrated social totality in which social structure and religious ideology interact. (Asad 1986, p.14) Clifford Geertz, as one of the early anthropologists of Islam, has approached religion as essentially different from science and common sense, having the function of producing a distinctive set of dispositions and worldview among the followers. Accordingly, Geertz asserted that religion should be studied in two stages; first the analysis of the meanings which are embodied in symbols and in second stage these analyses should be linked to

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13 A summary of the study is available at:
   http://www.bamf.de/cln_092/nn_434132/SharedDocs/Anlagen/EN/Migration/Publikationen/Sonstige/muslimisches-leben-kurzfassung-englisch.html

the social structures and psychological processes. Asad, on the other hand, sees these stages as essentially one; *religious symbols acquire their meaning and efficacy in real life through social and political means and processes in which power, in the form of coercion, discipline, institutions, and knowledge, is intricately involved*. Geertz's approach was also criticized for its close links with the liberal demand that religion be separate from realms of real power and reason such as politics, law and science. (Anjum 2007, p.659-60)

According to Asad, a coherent anthropology of Islam should start from the concept of a discursive tradition that connects itself to the founding texts of the Quran and Hadith. An Islamic discursive tradition is a tradition of Muslim discourse that addresses itself to the conceptions of the Islamic past and future. It is identified by its own rationality or styles of reasoning, expressed in its texts, history, and institutions. This is not to say that there is some rationality, logic, or philosophy essentially Islamic and thus incomprehensible to the outsiders, but that certain theoretical considerations and premises originating from the content and form of the foundational discourse come to designate the tradition, and so anyone willing to argue within the Islamic tradition, ought to start with them, even if only to argue against them. (Anjum 2007, p.662)

The importance of the idea of Islam as a discursive tradition for this paper is that it requires the researcher 'to be in a narrative relation' with the Islamic tradition, 'a relation that will vary according to whether one supports or opposes the tradition, or regards it as morally neutral.' (Asad 1986, p.17) Hence, I find it relevant to ask what it means to be (or not to be) a citizen for a Muslim immigrant in Europe. I will narrow the question down to the issue of understanding of selfhood in Islam. I don't see the phenomena of citizenship as only formal political membership in a state. It is more about how 'individuals' are connected or embedded into the social institutions. For instance, paying taxes, voting, developing career; attending schools, gaining professional trainings etc., these are the 'normal' practices for almost anybody in any part of the world. By incorporation into the social institutions, I mean the processes, the reasonings, the techniques that link us to these institutions. Promotion, or favoring and construction of a particular understanding of selfhood (in

modern statehood, it is the 'modern responsible agency' which also gives the fundamental thrust for the concept of citizenship) is maybe the most important link in these processes. It is through this link that   authority and power is kept in modern state. Citizenship as a whole entails all these processes. I claim that Islamic ethic of selfhood potentially keeps Muslims outside the modern formation of 'responsible agency.' So the link between institutions of the modern state and individual is mostly transformed, if not interrupted, by the Islamic notion of selfhood. Now I will substantiate this argument.

IV. Modern Responsible Agency and Islamic Notion of Selfhood

Although these are two different concepts, it is not much a comparison to be followed here but more an attempt to read them together to have a closer view of how and why the Muslim immigrants in especially Western European countries do not have citizenship of their 'host' countries and how this situation should be approached if we want to understand the place of politics in Muslim migrant communities. To facilitate the discussion, I will benefit from the works of two figures to analyze these two broad concepts. First one is Jurgen Habermas' discussion of 'free will' as representative of idea of 'modern responsible agency', though he does not claim as such. His discussion of free will is important to show how the moral responsibility of modern agency is related to social institutions. Second name is Said Nursi (1877-1960), a Kurdish Islamic scholar of late Ottoman and early Republican Turkey era. His treatise on the self, an interpretation of verses in the Quran (33:72) will be the basis here to discuss the content and the location of selfhood in Islam.

Contemporary social science offers the concept of agency as modern manifestation of free will. Modern citizen is understood as having free will as it is necessary for attributing the 'responsibility' that agents 'bear.' (Habermas 2007, p.15) Islamic concept of selfhood, on the other hand, is based on an indicative meaning, by having no meaning in itself; the 'I' in Islamic theology is a 'hypothetical line, a thread, an insubstantial Alif*.' (Said Nursi 1996 [1928], p.560) It is given

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* 'Alif' is the first letter of Arabic alphabet; 'l.' There is no clear definition of the letter. The form of the letter invokes meaning that selfhood carries in Islam; 'a hypothetical line.'

'an imagined dominicality' to make it compare the 'limitless dominicality' of God. Maybe we can call it as merely an instrument of comparison to situate the position of human self in the world. It should be noted that moral responsibility in Islam is not dependent on the self as an autonomous being while the modern selfhood is responsible for his / her actions for the very reason that s/he has a free will. I don't mean that there is not free will in Islam; the point is that 'human free will' is not connected to the self as tight as it is in modern selfhood.

A general proposal about the modern responsible agency is that 'individuals' are 'morally responsible' for their actions since they have 'free will.' Philosophically speaking, "free will" is a term for a particular kind of capacity of rational agents to select a course of action from among diverse alternatives; most philosophers assume that the concept of free will is firmly related to the concept of moral responsibility. (O'Connor 2008) Habermas articulates 'free will' *as the mode of how one binds one's own will on the basis of convincing reasons.'* Freedom of the will constitutes 'a mode of being' in which agents exist within the space of reasons and are responsive to *culturally transmitted and socially institutionalized reasons*. (Habermas 2007, p.19) The axis of the self to become free is based on its responsiveness to the convincing reasons which are *socially institutionalized.* Binding one's own will through convincing reasons (or the issue of moral responsibility) is bound by the cultural and social context since the convincing reasons are produced within these contexts.[14] By social and cultural context, I understand the formation of modern secular state in general and 'nation-state' in particular that aims to create 'loyalty' among its members. The power of modern state relies upon its ability to create commitments or belongings towards itself among citizens. Therefore, political membership (or formal citizenship) is closely related with the search of 'evidence' for 'loyalty' in the context of Muslim immigrants such as political obligation (military service etc.) in time of war in the host country.

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14 The etymology of the word 'binding' has interesting connections; the German word 'binden´ (tying, committing oneself to someone) and Persian 'benden' comes from same root, as both German and Persian were in the same language family (Indo-European) before they separated approximately five thousand years ago. Kurdish 'bend' means slavery, captivity; Armenian 'band' has a meaning of 'prison' and 'shackles.' Turkish 'bendeniz' also means 'your slave or your subject.' Semantic proximity among different languages may imply different understanding of selfhood. (Nisanyan, Sevan. "Bendeniz." 7 July 2009. Taraf. Daily News http://www.taraf.com.tr/makale/6447.htm)

It is interesting to note that the discussions of 'free will' that took place in history of philosophy for more than two thousand years are replaced by discussions on 'agency' in social sciences, beginning in 1960s. On the usage of the concept 'agency', Asad argues that;

> […] 'agency' is now employed in the social sciences to attack many things—the use of statistical reasoning, the idea of historical forces, the force of habit, traditional oppressions—and to celebrate self-empowerment history-making, and individualism. An ethnographic or historical account that lacks evidence of a people's 'agency' is held to be a faulty account. What underlie such judgements are the perceived opportunities and limitations of modernity. This notion of 'agency', I argue, presupposes a teleological history and an essentialised human subject. (Asad 2000, p. 29)

Is 'modern responsible agency' an essentialised understanding of human subjectivity? It is, I argue, an essentialised subjectivity as long as the moral responsibility and 'free will' is elevated to the status of a benchmark for political membership. It is essentialised subjectivity because it disregards the weaknesses that humans carry and totalizes particular aspects of selfhood. In comparison to modern responsible agency, Islamic discursive tradition approaches to human selfhood as merely a '*conscious strand from the thick rope of the human being, a fine thread from the raiment of the essence of humanity*.[15] (Said Nursi 1996 [1928], p.559-560) So here the human selfhood is just a part of human being unlike the modern autonomous responsible personhood which forms the kernel of human being. The implications of these two different understanding of human selfhood are crucial to illustrate the reconfigurations of rights and the emergence of 'postnational citizenship' phenomena.

We can claim that the most important question that Islam poses regarding the content of liberal democratic citizenship is the idea of a modern responsible agency that is at odds with the

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15 Demek ene, âyine-misal ve vahid-i kıyasî ve âlet-i inkişaf ve mânâ-yı harfî gibi, mânâsı kendinde olmayan ve başkasının mânâsını gösteren, vücud-u insaniyetin kalın ipinden şuurlu bir tel ve mahiyet-i beşeriyenin hullesinden ince bir ip ve şahsiyet-i Âdemiyetin kitabından bir elif'tir ki […] (Said Nursi 1996 [1928], p.537)

concept of a normative Muslim selfhood. In the former, close connections between agency and state institutions support authority of the state to garner the legitimacy that state needs, while in the latter, there is an ontological positioning of the human self in the form of distancing one self from an authority other than God. I should remind that this highly simplified view of agency and normative Muslim selfhood operates within the confines of the everyday life practices. One can not necessarily infer from the agency discussion that modern citizen is a mere subject of the state and that modern citizenry is under the full control of the state (and market regulations.) Likewise, one can not conclude that Muslims are free of political subjection and / or authority of the state.

Maybe the most practical outcome of these two different self understandings is the treatment of the modern idea of the statehood with suspicion by the Muslim traditions. A good example that reflects this suspicion is the conflictual relations of the founders of Islamic jurisprudence with the rulers of their time. It could be claimed that the suspicion regarding the state affairs (I mean whether they are legitimate in terms of Islamic jurisprudence.) is a crucial part of the legal reasoning. Maybe the most prominent case in this respect is the Abū Ḥanīfah (the founder of Hanafiyya school of religious law) who was jailed due to his refusal of the government offer as Justice Minister to remain independent from the governmental intervention to the juridical processes. Armando Salvatore analyzes the "reconstruction of Muslim traditions" which was observed in 19th century of the Egypt, India and Ottoman Empire and argues that the project of reform which was designed by the public intellectuals and governors reexamined the traditional forms of Islamic reasoning to promote education, collective welfare, economic development, and public morality. (Salvatore 2004, p.1016) The contention is that reconfiguration of Islamic reasoning / Muslim traditions via press, public discussions, sermons, coffee house circles did not turn the traditional norms of self, community and authority into modern model of personal responsibility and loyalty to the nation state. Islamic reform kept a high level of indeterminacy and distrust towards the secular modern state. (Asad 2003, p.205-56, cited in Salvatore 2004)

Keeping in mind that the reform processes most of the time were held under the colonial occupation, I wonder whether we can transpose the 'indeterminacy and distrust' that Asad and Salvatore mentions to contemporary Europe where a majority Muslims are reluctant towards participating in political institutions of the secular states and obtaining citizenship. Throughout the paper, I have mentioned two different dimensions of difficulties in obtaining citizenship; one is institutional difficulties that are mainly result of ethnic-genealogical citizenship tradition and Westphalian political imaginary, the other dimension is what I am focusing now: the lack of confidence in modern secular state.

For the moment, I don't have a satisfactory answer for the plausibility of the connections between these two phenomena, however, if we look at the resurgent interest by the political liberalism in Islamic affirmation of citizenship (or "jurisprudence of Muslim minorities" discourse in general) within non-Muslim majority societies and clarify the role of "jurisprudence of Muslim minorities" ('Fiqh al- aqalliyyat' which deals with Muslim loyalty, citizenship and residence in non- Muslim majority countries) discourse in dispelling the distrust, we may find some continuities.

The idea of political liberalism, first of all, rests upon an assumption that the majority of the European citizens (regardless of their religious or political, sexual affiliations) are political liberals that are *neutral* towards other 'comprehensive doctrines.' It is purely a doctrine of social and political cooperation that seeks to devise the most reasonable public conception of justice and citizenship for free and equal persons, given the existence of disagreement on the ultimate meaning of life and the epistemological foundation for exploring it. (March 2007b, p.401) In an article that aims to investigate the Islamic foundations for a social contract in non- Muslim liberal democracies, March argues that from a Rawlsian political liberalism perspective, the Islamic affirmation of citizenship is compatible with the political liberalism through the latter's potential to garner support from other comprehensive doctrines. The full justification to collect such support has been attributed to the political liberalism's *abstinence* from any claims of *truth* for its political values.

(March 2007a, p.236) Following the same line of thinking, March investigates the works of the contemporary Islamic literature on the "jurisprudence of Muslim minorities" that attempt to provide an Islamic foundation for a relatively compact and multidimensional relationship of moral obligation and solidarity with non-Muslims. He considers this attempt as a form of a *'comprehensive qualitative'* perspective to ethics which goes beyond classical juridical reasoning that puts the Muslims in a limited doctrine of 'loyal resident alienage.' (March 2009, p.92)

March's discussion of the encounter between Islamic ethic and the liberal is enlightening to see the limits of both the former and the latter in terms of their 'political' imaginings. What strikes me most is, however, his indifference to historicity of the values that form the political and social boundaries of the political liberalism. Maybe the most important limit is the state-centric model of nations on which Rawlsian theory of liberal democratic justice is based and lack of consideration on the conditions of entry and exit into the political community. (Benhabib 2002, p. 444-45) Another problem in reconciling political liberalism with the jurisprudence of Muslim minorities is the reduction of the issue of 'moral obligation' to state into a predominantly secular character by which I mean the conflict between two different understandings of human subjectivities.

Conclusion

I have tried to show how the immigration changes the modern concept of citizenship by focusing on first the disconnection of traditional notions of rights that were aggregated by the Westphalian political imaginary and then with the help of an anthropological approach to Islam developed by Asad, I have compared the notion of modern responsible agency on which modern citizenship has been established and the notion of selfhood in Islam as understood by Said Nursi. I argued that these different notions of subjectivity are highly influential in determining the 'individual's appropriation of citizenship practices and delineating the boundaries of political

membership in modern secular state. One possible effect of this Muslim understanding of selfhood is distrust towards the modern secular state due to the particular nature of restructuring Muslim traditions in 19th century. I view the attempts of political liberal interest in jurisprudence of Muslim minorities as an important component of a strategy of turning this distrust into confidence.

The problem of 'legal resident alienage' needs to be solved immediately not just for a fair condition of political membership in 'national' contexts but also for a fair formation of a European political space which already implies a further institutional attempt from Westphalian political imaginary. However, different understandings of selfhood which imply more than mere 'cognitive dissonances' exist and they need to be considered too. This consideration, I think, involves first of all thinking about limits of the political membership in a particular country. The question to be asked here is whether the country is willing to accept immigrants. (I mean 'acceptance' not in the sense of immigrants' economic value.) Acceptance (of not a majority vs. minority state but 'a democratic state of multiple minorities') naturally brings pluralization and contestation of value issues. In the context of Muslim migrants, shifting value judgments is likely to occur in the so called dichotomous public / private field.

Second issue that needs to be considered for the problem of 'legal resident alienage' is to ask whether the concept of citizenship is an appropriate tool to attenuate the deficits of political membership in a liberal democratic society. Sociological reality shows that a postnational membership is far behind in meeting the justice demands of the immigrants. Different understandings of selfhood and persistence of Westphalian political imaginary reveals that citizenship may not be a sufficient instrument to 'incorporate' Muslim migrants into political processes and to 'make them feel' that they are also part of the country. An emerging Euro-Islamic public sphere in that sense have a lot of opportunities due to its relative immunity from state authority and its unregulated, polycentric character. It is here, in emerging Euro-Islamic public sphere, that we observe a breaking away from the Westphalian type of citizenship which does not provide equal opportunities for the 'members' of the societies. 'A proactive socio-political criticism'

within migrant communities, whose actors are mainly women and youth, against exclusionary practices of modern secular state, might be approached as harbinger of a making of new Europe whose boundaries is not constrained by the territoriality, ethnicity, and religion.

Part C
A Digression on the Articulation of Minority Difference and Secularism in Turkey

 If a secular state declares secularity as basic principle of its constitution, it is assumed that the state does not involve in religious affairs of its citizens. The issue of religious freedom may be taken as the crucial site to test how the state conceives secularity. By looking at Turkish experience of secularity, this part aims to show how it is problematic to claim to be secular on one side and regulating religious affairs on the other and how this conundrum effects articulation and treatment of religious difference. An analysis of this problematic is traced through the shift of focuses in the key words of religious and political discourses in order to characterize the ambiguous location of secularity in the popular imagination.

1. Can Secular State Provide Religious Freedom?

If we accept that all human beings are free to choose his/her religion in addition to having freedom to not to accept any belief system in any given society, then it ought to mean that we live in a society where religious differences are immune to state monitoring and control. One may object to the necessary relation between existence of religious freedom and state's refrainment from controlling the religion. Before arguing for the existence of the relationship between these two phenomenons, I want to analyze them separately. First question comes to mind for the former is whether the religious freedom is possible in modern statehood. Secular legal regimes in many parts of the world guarantee the religious right of the persons or social groups. Granting the religious rights or protecting them is realized through the definition of what legally religion is in particular

country by the courts (or states in general). The definition attempt shows that courts are biased toward their own perspective of religions. This point is what Sullivan (2005) leads to believe: the impossibility of religious freedom. She offers "forsaking the religious freedom as a legally enforced right" so that the religious individuals and communities could determine whether something is religious or not for themselves in a "world of radical normative pluralism." (2005, p.8)

Sullivan's argument on the impossibility of religious freedom is based on the state's heavy involvement in regulating the religious affairs through definition attempts (of determining what is legally religion and hence worthy of constitutional protection.)[16] How and why does state control religion? There are several answers to this question, depending on the context and the time. Talal Asad's answer is similar to Sullivan's; he contends that it is not possible to separate religion off from state for the reason that 'the state has to define what essentially religion is in order to be able to protect it, especially if it has freedom of religion.' In other words, 'the state has to decide what is to be protected.' (Asad 2009) Obviously, religion is too difficult to define; even the religious individuals are in pain to define the borders of their faith, albeit for different reasons. If it is not a mere power struggle, the conflict or the tension between state and religious 'authorities' or individuals may be thought to be originated in the autonomy that the parties want to keep. The idea of 'autonomy' that I have in mind is a kind of 'autonomy' that does not call for an institutional or personal bid for power. I don't want to simplify the idea by stressing the celestial aspects of it. To avoid the state centric perspective to freedom of religion, one may resort to religious discourse regarding the issue in Islam. In the context of Turkish Islam (if it is possible to claim the existence of such distinct version of Islam!), it is very interesting to note that while the state claims to be the protector of the religious values of its citizens, no religious figure would dare to argue in this line of thinking. Rather, the concerns and efforts of the religious figures have concentrated upon clarifying

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16 "Courts need some way of deciding what counts as religion if they are to enforce these laws. Is it possible to do this without setting up a legal hierarchy of religious orthodoxy? And who is legally and constitutionally qualified to make such judgments? Can 'lived religion' ever be protected by laws guaranteeing religious freedom?" (Sullivan, 2005, p.3)

and explaining the notions, practices and implementations of religious values. Indeed, it is possible to expand this claim in other Muslim geographies too. In other words, secular logic of guaranteeing the freedom of religion of the citizens are embedded in a paternalistic mode of prohibiting the religious duties of the persons or groups, as it is heavily observed in the example of Turkey and France. (Salvatore 2007, p.147) I will try to elaborate on how this paternalistic protectionism gradually is manifested through changing perception of state and religion in popular daily discourse.

2. 'Turkish Islamic Exceptionalism': Interpenetration or Incursion?

> […] the specifics of Turkish history have endowed the Ottomans and the Turkish Republic with characteristics that have worked cumulatively to create a special setting for Islam, a setting where secularism and Islam interpenetrate, which of course is quite different from saying that Islam and secularism have fused. This interpenetration or overlap is the real methodological obstacle that faces the investigator of Islamic modernism in Turkey. (Mardin 2005, p.148)

To repeat the central argument of this part, I claim that if state accepts in its constitution the religious freedom of its citizens, then it ought to mean that state does not involve in religious affairs of its citizens in under any circumstances. In this sense, Turkish case presents many contradictions that need to be expressed in problems regarding the religious freedom. An obvious problem starts with the constitution. In the article two of the constitution, it says 'the Republic of Turkey is a democratic, secular and social state governed by the rule of law.' Article twenty four, however, states that 'Education and instruction in religion and ethics shall be conducted under state supervision and control.' The contradiction continues; 'Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools.'

Claims to be secular on one side and controlling the religious education of citizens on the other is clearly not an oxymoron in the perception of state authorities, rather it is the manifestation of an idea that took shape since late 18th century, in that the interest of the state precedes all other things; law, society, religion etc., under the guidance of reformation process, triggered by the

Westernizing the statehood by the Ottomans in the face of defeats and decadence and massive

socio-political transformation by the subsequent Turkish Republic. Maybe the most important

concept that shows how this idea (basically the primacy of state with its all civil bureaucratic and

military elites) have attempted to shape the society is the change from 'Nizam-ı Alem' to 'Nizam-ı

Cedid.'[17] Now I will focus on these two concepts that we frequently find in the discourse of political

and religious figures. The first concept has different meanings; however, here it is used as it was

meant by the Ottoman Ulema (this meaning was also shared by the Ottomans in general); 'social

world' (or the order of the social world). Before late 18th century, social world (including the

political and economical dimensions) was one and the same with the religion (Islam.) The order of

this social world had been formed by the Sharia. When the predicament of the society changes, the

needs or the answers would be searched within the religion. (Görgün 2000, p. 184-88) This view

has been gradually replaced by the concept of Nizam-ı Cedid in which the new order toppled the

authority of religion from society and state. It seems that the secular has invaded the religious

perception of social reality rather than mutually influencing each other when it comes religious

freedom.

  The shift of focus (or 'change of axis') is important here in order to show that there is a direct

relationship between secular regimes and strict monitoring of religion. The dominance of the

concept 'Nizam-ı Alem' reflects the force of the religion both as almost independent institution and

as a living social reality in especially early Ottoman Empire that gave birth to the 'Millet system'

with its all debilities. Nizam-ı Cedid, on the other hand, reflects the power of the state as fulcrum of

the organization of the social. The latter concept also defines what the Republic represents; modern,

national, and secular. The desire to control the religion in society is sine qua non of the secular

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17 It is interesting to note that the meaning of these concepts in contemporary everyday Turkish has a very nationalist
  sense; political conquest of the world by the state, in other words, the order (nizam) of the world (alem) is realized
  through state. So state here (in contemporary usage) is the main agent. Ironically, the name of a youth political
  organization which functions as a sub-unit of a nationalist party was 'Nizam-ı Alem Ocakları.'

regime. Because, the secular has another face in modern Turkish context; nation-state. It is the organic relation between the secular and the national that makes the religious freedom impossible. For instance, the reason which was given in an official declaration on closing the Heybeliada Greek Orthodox Religious School (Halki Seminary) was Greek intolerance against Turkish minorities in Greece. This retaliatory logic of governing the religious diversity is typical response of a nation-state. Here the issue is not whether the Turkish minority is treated equal. A secular nation-state has to look for correspondency in its policies with the 'foreign' nationals and religions. When the control is not possible, the secular uses all its power to ban or to limit the religious practice. This inclination towards the control in statehood is so internalized in daily common sense that we frequently hear the saying "Of course, this is what it needs to be done, no state would allow such unamenable acts." I may safely claim that the intricate relation between secular logic and the nation-state makes the religious freedom impossible. On the other hand, we observe that the issue of religious freedom was a problematic one in the history of Muslim societies too. Next paragraphs will not examine the problem of religious freedom in the history, rather they will deal with the meanings (and the concepts) attached to 'religious minorities' in history of a Muslim society.

3. 'Azınlık', ' *Dhimmī* and 'Muahid': The positioning of non-Muslim in a 'Muslim Majority' Country

First important point that needs to be stated is that the Islamic words (*Dhimmī* and 'Muahid) for the 'minority' does not invoke any mathematical majority (or numerical superiority) or otherwise, instead, the words are oriented towards a party and his/her rights in a covenant. Current Turkish word for minority (azınlık), however, carries the meaning that the English word 'minority' carries. According to Bulaç (2010), the semantic differences between these three words do not just prove the existence of various implementations based on different historical conditions, but the words elicit a problem that has been mostly overlooked. He offers a contractionist argument in that the non-Muslim (including the non-believer and follower of non-Abrahamic religions) can not be evaluated in the category of minority as long as s/he lives with the Muslims in peaceful terms. I will

not go into the details of stipulations in the contract or the related terms within the Islamic jurisprudence. What is worthy of discussion in the offer of Bulaç in terms of this paper is that if a contract is made between the Muslim and the non-Muslim community in the absence of war or conflict, both members of the parties are treated equal. This kind of contract is called 'muahide' and is different from Dhimma since here there is no hierarchical situation between parties (as in the instances of high taxes and fettering of high administrative posts within the Dhimmis of Muslim majority countries.)

The reason ('illet') that makes the contraction possible is the lack of 'aggressiveness' and 'bad intention'. Dhimma is valid only if it is the issue of war and conflict. The basis of treatment here is based on war, so the conditions are accordingly severe and are on the behalf Muslims. Another reasoning that Bulac reminds is that in Islamic law a person can not be hold responsible for something that s/he didn't commit. Thus, when a contract is made, it should be renewed or re-examined as the time and the parties change. The Dhimmi status of a non-Muslim is not eternal, so if s/he is not in war with Islam, then the status should be shifted to equal rights with the Muslims or to whatever conditions is set up in the contract between the parties.

Conclusion

A secular constitution is not able to provide a solution for the problem of religious pluralism by which I mean the impossibility of impartiality and the favoring one religion on another by the state (for the reasons that I have tried to explain above) and when we look at the Muslim constructions of the difference (in terms of dealing with the non-Muslims), we also see problems in practice. From contemporary point of view, the secular epistemology is the hegemonical tool in the hands of governments. Solution to the problem of religious problem may be thought to be lying in the Sullivan's suggestion which gives up religious freedom as legally enforced right. Along with the reconsideration of secular epistemology, a re-examination of religious construction of

differences and rights is needed to respond the religious diversity in modern city. In that sense, Bulaç's contractionist reading of Prophet's first nine years in Medina (after migration) is not only a critical evaluation of historical concepts such as Dhimmi, but also from a present perspective, is elicitation of other possibilities to uproot the conventional construction of religious difference. However, there is a serious obstacle in front of this attempt; it is unsurprisingly the nation-state, not religion.

Part D

'Euro-Islamic' Public Sphere

To what extent can we talk about an emergence of Euro-Islamic public sphere? Considering the difficulties that surround the formation of a secular one, what makes the emergence of a Euro-Islamic public sphere possible? In this part, first I will briefly write about the theory of public sphere designed by Jurgen Habermas and then common criticisms directed toward the theory, secondly I review the perspectives of a transnational Islamic public sphere in the continent. Third section considers the classical dichotomies of the private / public distinction and how it relates to the secularization process. Fourth section looks at some of the concepts in the field of Islamic legal theory in the context of Europe. Finally, I try to situate the possible tensions within the discussions of the Euro-Islamic public sphere.

I. Habermasian Public Sphere: Introductory Remarks

As a concept, 'the public sphere' means a dimension of our social life in which public opinion can be formed, whose accessibility is open to everyone and a field that mediates between state and society. Citizens act as public body when they negotiate the general interest in an *'unrestricted fashion'* mostly through communication technologies. There is close connection between state authority and the public sphere. The latter has an influence on former only if the political control is subordinated to the democratic demand that the information is to be public. Historically speaking, *The Structural Transformation of the Public Sphere* is the account of the rise

and decline of a 'liberal model of the public sphere that emerged in 18th century' in which the activity of the state was to be monitored and directed by the informed, critical, public discourse of the governed. The public sphere in the 20th century's social welfare state mass democracy, however, lost its social exclusivity and coherence which hitherto supported by the bourgeoisie society; private interests intrude into public sphere, law making does not come from consensus of private individuals engaged in public discussion. (Habermas 1974[1964], p.49-55) The consequent interlinking of state and society in the late nineteenth and twentieth centuries implied the end of the liberal public sphere. (McCarthy 2009) According to Calhoun, the basic question leading Habermas' exploration of the public sphere was: to what extent can the wills or opinions guiding political action be formed on the basis of rational-critical discourse? (Calhoun 2002) Rational- critical discourse here is based on public reasoning on the common good, being free from the constraints of a political authority. On the relationship between public sphere and civil society, Calhoun claims that public sphere is a dimension of a civil society in which the main focuses are the organization of social life on the basis of interpersonal relationships, group formation, and systems of exchange linking people beyond the range of intimate family relations and without reliance on direction by the government. (Calhoun 2002)

There are various critics of Habermasian public sphere that are accumulated till today; however, I will only focus on Nancy Fraser's two key articles (1990, 2007) on the theory. By presuming that the general idea of public sphere is indispensable to critical social theory and democratic political practice in her first article, she argues that the public sphere theory should go through critical reconstruction and interrogation if it is to result in a category capable of projecting the limits of actually existing late capitalist democracy. (Fraser 1990, p.58) Her main departure point is that Habermas is indifferent towards the post- bourgeoisie society, that it needs to be read carefully through a revisionist historiography that points gender exclusions, the complex relationships between publicity and status, multiplicity of alternative and competing public spheres.

She analyses the four assumptions on which the Habermasian public sphere was

formed. The first assumption is that it is possible for members to ignore ('bracket') the status differentials, supposedly they are social equals in deliberation process. Accordingly, social equality is not a precondition for political democracy. This assumption hinders the participatory parity. Second assumption is that the flourishing of multiplicity of public spheres necessarily takes us away from the greater democracy; a single and comprehensive public sphere is always preferable to the networks of various public spheres. On the contrary, Fraser argues, in stratified societies the existence of plural competing public spheres foster a better ideal participatory democracy than does the single, unified public sphere. This is due to the difficulty of isolating the discursive arenas from social inequalities in which citizens are embedded. Third assumption is that the discourse in public spheres should be constrained with the common good; the private interests should not intrude into public sphere. This assumption inherits a problem from civic republicanism which wrongly combines the ideas of deliberation and common good as if deliberation must be deliberation about the common good. Therefore, it frames the deliberation in an 'all-encompassing we' that reflects the ruling claims of self-interest and that at the end militates against the principle aims of the deliberation. Fourth and last assumption is that a functioning public sphere needs the separation of civil society and the state. Bourgeois conception of public sphere precludes state from civil society, which is to promote weak publics for the reason that weak publics are only for the formation of public opinion, not for the decision-making. Otherwise the public authority would become the state by losing its discursive critical role of checking the state actions. Strong publics (parliamentary sovereignty) is, on the other hand, blurs the separation of civil society and state. They are 'internal public spheres' within the state. The problem is how to hold strong public accountable to the weak public. (Fraser 1990, p.62-76)

In the second article which discusses transnational aspect of the public sphere in post-Westphalian world, Fraser asks whether we can apply the notions of normative legitimacy and political efficacy with which the idea of a publicity is achieved, that is to scrutinize the policies of the state and to hold the state officials accountable for their actions and to secure that the state

express the will of the citizenry, to the emerging transnational public spheres in which the interlocutors are not affiliated with the sovereign power. (Fraser 2007, p.7-8) In the first article, I have summarized Fraser's analyses of the bourgeoisie assumptions of the Habermasian public sphere; in the second paper she explicates the Westphalian underpinnings of Habermasian public sphere to reformulate the critical theory of the public sphere in a transnational framework.

Identification of the public with the citizenry of territorial state, national economy and media imply the Westphalian political prospect of a public sphere theory. Considering the current condition of public opinion that denudes the Westphalian frame, Fraser inquires that;

> […] many students of transnational publicity neglect to pose the questions of greatest importance for a *critical* theory: if public opinion now overflows the Westphalian frame, what becomes of its *critical* function of checking domination and democratizing governance? More specifically, can we still meaningfully interrogate the *legitimacy* of public opinion when the interlocutors do not constitute a *demos* or political citizenry? And what could legitimacy mean in such a context? Likewise, can we still meaningfully interrogate the *efficacy* of public opinion when it is not addressed to a sovereign state that is capable in principle of regulating its territory and solving its citizens' problems in the public interest? And what could efficacy mean in this situation? (Fraser 2007, p. 15)

It is interesting to read that Fraser thinks demos or political citizenry as the source of legitimacy in a discussion of the transnational publicity. If 'demos' is losing the ground, what could be the other source(s) for legitimacy? Noting that Fraser herself does not give a clear answer regarding the above questions, I should state that I am not primarily interested in the legitimacy of the public opinion in a transnational frame for the reason that the legitimacy significantly pertains to the changing citizenship practices and emergence of postnational citizenship phenomena that I have tried to focus in the previous chapter, however the political efficacy of public opinion is crucial for

the purpose of the this section.[18] To a first approximation, we can claim that the political efficacy should not be thought in a direct relationship with the state policies in terms of transforming them since the terrain that the transnational public sphere occupies is not the institutional structure of the state. In the context of an Islamic transnational public sphere, political efficacy remains issue-dependent, due to the multiplicity, informality and vulnerability of funding patterns, legal supervision and political mobilization. (Salvatore 2007, p.51)

One of the concerns of this part is to try to understand how the Muslim migrant communities could possibly influence making of a New Europe. The place of politics in this process is an equal concern as the 'modern' understanding of politics puts religion out of the public realm. I take politics as a modern system of category that constitutes a dimension of social life (a substantial dimension indeed), in that sense, using the term 'political Islam' is problematic since a lot of concepts that are used to elicit the place of religion in modern politics are irrelevant constructions that barely touches Islam. Studies on 'political Islam', for instance, are mostly investigations of myriad reactions against post colonial condition both in Euro-American and Muslim societies. When it comes to the issue of Islam and politics, one frequently hears the argument that establishing an original Islamic theocratic state is the real cause of contemporary 'Islamist ambitions'. Should we see 'Islamist political movements' or the emerging Euro-Islamic public sphere as manifestation of a will to form a theocratic state? My position on the issue of Islam and politics is that Islam is not a political religion in the sense that it does not aim to establish a state. It is rather 'modernity and modernizing state' that has created ambitious Islamist politics. On the emergence of the idea that Islam and politics are mixed, Asad argues that;

> Western Orientalists, as well as Muslims who call for the
> establishment of an Islamic state, have taken for granted that the rise
> of Islam in the seventh century saw the establishment of a theocratic

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18 The issue of legitimacy and political membership in classical public sphere cannot be directly transferred to the transnational public sphere. Partly because even in the former, the implicit assumption that citizenship established the sufficient bonds for the inclusiveness was problematic. We have observed this problematic in the changing forms of citizenship.

state in Arabia, one in which religion and politics were indissolubly fused together. For Islamists and Orientalists later Muslim history is seen as a falling away from that model, a process in which a separation occurred between religious and political institutions. For Islamists this separation constitutes the betrayal of a sacred ideal that Muslims are required as believers to restore: for Orientalists the lingering connection defines a schizophrenic compromise that has always prevented a progressive reform of Islam. (Asad 2006)

Moreover, Asad continues to claim that the idea to establish a theocratic Islamic state is the legacy of 19th century European historiography that anachronistically applied modern categories of power and politics to understand the emergence of Islam in 7th century. If we put aside the zealotry of contemporary 'Islamist ambitions', how should we understand the current role of Islam and Muslims in formation of European societies?

In other words, how to construe the condition of contemporary Muslim communities in Europe in terms of political efficacy? It has become clear that, whereas the 'public sphere' as the end result of a series of developments is largely modern, European, Western, and Westphalian, 'the normative character of its communicative function, the underlying idea of social connectivity and the public use of reason and argument are not necessarily so'. (Salvatore 2007, p.49) So how is the public use of reason in Islam? Now I will elaborate on these characters of a Euro Islamic public sphere.

II. Perspectives for a Transnational Euro-Islamic Public Sphere: Possibilities for Communication and Politics, Beyond Migration Discourse?

I view the discussions of Euro-Islamic public sphere and transnational Islam as two elements that complete each other. The phenomenon of a transnational Islam precedes the former one. How can we theorize about the transnational Islam? Grillo offers three kinds of formulations based on papers published in a special issue of Journal of Ethnic and Migration Studies. An Islam

within transnational circuits (a); mainly male circulatory transnationals from West Africa who work in Italy and France temporarily, though in a long term basis, organized in religious cells in the countries of emigration, the orders provide devotees with a moral framework empowered by the praised visits by the religious 'superstars ' from West Africa. Islam within a bi-national / plurinational framework (b); Mourid and Tijaniyya orders are international (situated in many countries), and transnational, following migrants' transnational circuits and linking up diasporas, their followers are therefore oriented to relationships across transnational space. But they are not post-national. Those living and working abroad are also confined (legally, economically, politically) by the circumstances of two nation-states: where they reside (Italy and France) and whence they came (`there', Senegal, Mali, Mauritania). Their orientation is hence `bi-national' or `plurinational' (Salih 2003, cited in Grillo 2004), towards two or more nation-states. Last form of transnational Islam that Grillo characterizes is Umma in which a transnational Islam manifests itself through an orientation not towards a particular migration circuit or diaspora, but towards the imagined community of Muslims at large either within one society or across many. (Grillo 2004, p.865-66)

Insufficiency of migration studies in revealing the underpinnings of an Islam in Europe has led to an increasing focus on political activism and communication by and among the Muslims on European level. In that sense John Bowen, reminding the necessity of rethinking the importance of the concept 'Umma', argues that the focus on the demographic movements and transnational institutions has obscured the importance of the field of Islamic reference and debate. (Bowen 2004, p.880) Emergence and the development of debates and discussions among Muslims about the nature and role of Islam in Europe have given rise to the creation of networks, conferences, and increasingly formalised institutions for systematic reflection among scholars. These activities and institutions stresses the quandaries experienced by Muslims attempting to develop forms of Islamic life 'compatible with' the range of Western norms, values and laws. (Grillo 2001, cited in Bowen 2004, p.882) Migration and Islamic religious movements have played a clear and enduring role in establishing a Muslim presence in Europe. Islam's transnational public space in

that regard is `beyond migration', however, in that it is dependent neither on specific migration patterns nor on the activities of particularistic transnational movements. This space has lived since the beginning of the Islamic era, and long before it reached to Europe it regularly defined and created debates and references among scholars and public figures from Indonesia, Pakistan, Egypt and elsewhere.

Both three kinds of formulations that Grillo described and Bowen's focus on Umma are far behind in articulating the complex identity formation in European context. Salih investigates the unease that some young Muslims feel about the dichotomous constructions which mark the debate on Muslim identities in both the academic and political arena (between difference; cultural or religious and universalism), and argues that "Muslims' experience in the West is inscribed in, and cross-cuts, diverse socio-political identities, challenging the presumed dichotomy which opposes universalism to difference." (Salih 2004, p.995) Yet, far from simple practices of 'bricolage', these processes of identity renegotiation are deeply 'painful and conflictual.' Based on the accounts of a young Moroccan informant, named Said, from Italian Muslim community, Salih comes up with the observation that 'neo-communities' that second and third generation Muslims form reflects the constitution of a mobilization that provides them with a way out of the conundrum of selecting between ethnicity or integration, adaptation or innovation.[19] (Khilani 2002, cited in Salih 2004)

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19 The term neo-communities belongs to Stefano Allievi (2003) who has been one of first sociologists of Islam in Europe. He asserts that term is different from the usual concept 'community.';

> […] Islamic neo-communities of Europe differs from the communities of origin in many ways. Trying to resume a complex process of change in one concept, these neo communities, particularly the moment in which the second generation appears and starts to active at the social level, are religious (religious) precisely because they are no longer ethnic or national (for instance they start to be open to different ethnic national origins). On the other hand, they are open to the influence of these same ethnic and national origins, and also have an influence over them in a process of reciprocal interaction. (p.4)

Allievi, S. & Nielsen, J.S., 2003. *Muslim Networks and Transnational Communities in and across Europe*, Brill Academic Publishers

Furthermore, this new sociality helps them to overcome the trap of `minority standpoint', and to express the 'Islamic identity' with universal values, rather than just claiming respect for `difference'. (Salih 2004, p.1009) How does this new sociality realize in everyday life? Salih observes that;

> […] the political, social and civil engagement with the local society in Europe is a path that, although involving a high level of compromise and risk of refusal, is the only one which opens up the possibility for a new and truly plural society. Said's voice, while marginalised at the national level, seems to find strong legitimacy and echo in the thoughts expressed by European Muslim intellectuals who are at the forefront of promoting the ideas and practices of a Euro-Islam, not detached from, but anchored in, the reality of the Muslim world. (Salih 2004, p.1009)

One of the ways in this new sociality is manifested through the intergenerational conflicts: Islam of the parents versus the Islam of their children. Mandaville notes a shift in the locus of leadership within Muslim communities in Europe, particularly as pertaining the question of where the current generation is looking to find new ideas and new interpretations of Islam that are tuned with the day-to-day realities of European life. He claims that young Muslims have been turning increasingly to thinkers and writers who stress a more universalist interpretation of the religion. This interpretation is mostly in contrast to the Islam of their parents which they often view as rather 'local' and loaded with sectarian or ethnic overtones. The new stream of Muslim intellectual refuses the dogmatism of centuries old and seeks instead to engage critically with the traditions and prescriptions of Islam. Furthermore, these figures— highly sensitive to the specific issues encountered by Muslims in Europe— suggests a creative vision that urges their audience to view life in the West as a condition that allows Islam to grow, in that sense an active participation and engagement with the wider society is encouraged. (Mandeville 2002, p.140)

The question of isolationism is one of these intergenerational conflicts. While particularly young European Muslims actively pursuing today to establish a place for themselves mainstream

society, the apparent ambivalence of their parents in this regard is a keen source of dissatisfaction. When it comes to religion, watching their parents' generation participate in endless and seemingly 'trivial' debates about proper prayer technique did nothing but estrange younger Muslims. They wanted an Islam that had something to say, for instance, about how properly to live one's life in a non-Muslim society and the particular challenges presented by those situations. Mosque leaderships inclined to be of the older generation and, again, representative of 'local' Islam from the villages of South Asia or North Africa. Many religious organizations would even 'import' imams and 'ulamà from Pakistan and Bangladesh for regular tours of duty— thus preventing the first generation of Muslim immigrants from ever leaving the relative safety of Islam in the homeland. Young Muslims often thought this religious leadership to be particularly dogmatic and narrow minded in its understanding of Islam. Questions and challenges in the mosque were not countenanced and the younger generation grew increasingly frustrated at being told, when questioning certain aspects of Islam, 'that's just the way it is'. It is therefore not a coincidence that the current generation of young Muslims in Europe has turned away from traditional sources of religious leadership and authority. Most of this younger generation is highly educated and seeking a more sophisticated idiom of Islam. Intellectually they have tended towards major figures within the wider Muslim world such as, initially, Abu Ala Mawdudi and Fazlur Rahman, and today writers such as Abdolkarim Soroush in Iran, Malaysia's Chandra Muzaffar, and the Qatar-based Sheikh Yusuf al-Qaradawi. Simultaneously, there has emerged within Europe itself a new breed of Muslim leadership, often concentrated on highly educated, relatively young, professionals and intellectuals. (Mandeville 2002, p.134-5)

We see a similar line of thinking in Salvatore who expands the vision of Salih by claiming that while until recently Muslim thinkers in Europe have been at the inter- face between transnational Islamic discussions and specifically European problems regarding the distinctive characteristics of an emerging 'Euro-Islam' (Mandaville 2003: 127–29, cited in Salvatore 2007), the debates (regarding headscarve and Islamic religious practices in 'public spaces') manifest the

implications of a trend that blurs the borders between Muslim and non-Muslim voices in Europe, and between problems of European and of transnational Islam. By Euro-Islam, he means not a Europeanized Islam to be shaped through appropriate measures by the political authorities and the good will of European Muslims, but, increasingly, 'as a constitutive dimension of European public spheres and their discursive formations, cutting through various national publics and at some crucial junctures unifying them into one single Euro-Islamic sphere. '(Salvatore 2007, p.137)

As Salih and Salvatore point out the national context in which Muslims are settled could not be a venue for a social and civic activism that they need, due to the narrow imaginings of a particular ethnic and traditional identity. In that respect, there is a growing trend within many young Muslims in Europe to go beyond the limits of national boundaries in their networking practices. The lived experience of being Muslim in Europe is one of negotiating plural affiliations and allegiances to multiple traditions as – 'an endeavour that is compatible with the European ideal of a citizenry grounded less in territorial identity, but committed instead to a wider normative vision.' Maybe one of the most important institutions that reflect these multiple affiliations and allegiances is the Forum of European Muslim Youth and Student Organizations (FEMYSO), founded in 1996 to offer a social context in which several national Muslim youth organizations can get together to talk and act on matters of common interest. The Forum has in recent years established itself as a credible voice and resource for the next generation of European Muslims, and has formed important links with institutions such as the European Parliament.

One of its priorities among many is `the development of a European Muslim Identity, via the involvement of Muslim youth in discussions, educational and awareness programmes, highlighting social responsibilities and contribution to Europe'. The description of the organisations` aims states 'how with over 25 million Muslims present in East and West Europe, there is a desperate need for Muslims across Europe to have a voice within the European structures and also to meet to co-ordinate and co-operate. ' (femyso.org) A similar trend is visible in Spain where a group of young Muslims which organized themselves outside the existing Muslim associations after the

Madrid Bombings. (Delgado 2008, p. 38) Until now one of the key challenges encountering the generational transition within European Islam has been the problem of a successful leave from the 'legal resident alienage' and 'ghettoization' that characterized the first generation of Muslim immigrants to a culture of public engagement and political participation on the part today's young European Muslims, groups such as FEMYSO and FIOE (Federation of Islamic Organizations in Europe) show some important routes towards the practical realization of something like a 'European Islam'. (Mandaville 2003, p.35)

The important facet of this European Islam that Muslims today address rereading and reassessing the textual sources of Islam in new contexts. In this regard there would emerge to be some degree of discursive overlap between these new intellectual trends and recent thinking in Western critical theory as we have seen between liberalism and Islam. The notion of dialogue and some form of 'communicative action,' to invoke Habermas, within a public sphere seem to be intrinsic to both. (Mandeville 2002, p.153) Figures such as Tariq Ramadan, in his creative readings of the core sources of Islamic law, have begun the crucial process of developing the contours of what might be called a 'minority jurisprudence designed specifically for Muslim living in situations in which they are not a majority. The difficulty, as Ramadan sees it, is to find a way for Muslims to protect and uphold the core of their religion without resorting to isolationism; to participate, in other words, without diluting the essential meanings of Islam.

'To promote and to advocate such involvement in Western society is not only new, and thus difficult,' he says, 'but also necessitates that some sensitive legal questions and ethical issues receive, as essential prerequisites, clear answers and solutions' (Ramadan, 1999, 102). Many Muslims in Europe who are part of this new trend see themselves as playing a role within the context of a much wider picture. 'Muslims in Europe have a more global sense of Islam,' says one religious scholar, 'and hence have a role to play in the global isation of the religion' (Barkatullah, 1998 cited in Mandeville 2002). Europe gives a context for the reassessment of theories, beliefs and traditions, while increased transnationalism allows these new rearticulations to spread around the

world. For some Muslims this suggests the greatest hope for rethinking Islam: In order to have ijtihàd [independent judgement] you need 'freedom of thought.' This does not exist in most Muslim countries. 'We Muslims in the West should debate, discuss and disseminate our ideas because this will encourage Muslims living where there is not freedom to do the same, or at least to make use of the materials and ideas we produce'. (Siddiqui 1998, cited in Mandeville 2002). On the issue of how communication technologies are used by the Muslims, Mandeville writes:

> We can meaningfully speak today about the existence of something like a global infrastructure for the maintenance, reproduction and dissemination of Islam. This 'regime' possesses no central authority and there is very little co-ordination between its various constitutive elements. Nevertheless, through a diverse range of organisations, technologies and transnational structures the contours of a transnational Islam are beginning to emerge. We have already mentioned several of the institutions which collectively form this infrastructure such as the 'imported imams' who travel back and forth between homeland and diaspora, and the myriad regional and transregional Muslim organisations which mediate daily life for believers in a variety of national settings. In addition, we can also point to the role played by various communication and information technologies, from the circulation of a wide range of English-language books on Islam via international publishing networks linking Washington, D.C. with Durban, London and Karachi (Metcalf, 1996, xv), to cyberspace debates between Muslims of various madhàhib in Internet chat rooms. Diaspora television programmes also play a role in the sustenance of long distance communal and religious ties (Naficy, 1993), as does the live broadcast of the hajj in many Muslim countries and its subsequent availability on video (Metcalf, 1996, 11). Migratory spaces and global cities also heavily in transnational Islam. With their culturally diverse and highly mobile populations, cities such as London are important nodal points for networks of discourse and often serve as factories for the production and import/ export of (reformulated) ideology. (Mandeville 2002, p.153)

II. Boundaries: Secularizing the Public

Thinking about a transnational, Euro-Islamic public sphere would bring us a relativized view of conventional norms that regulate secular nation state. Maybe the first among the conventional norms are the famous private / public dichotomies that reflect the organization of modern state. Entry on the private / public dichotomy at the Blackwell Dictionary of Western Philosophy may give us a starting point for discussion. According to the dictionary, the distinction between the public and private spheres corresponds to a distinction between the political and the personal and between what falls under the law and what falls outside the law. The state and social power ought not apply to the private sphere, which is also the borders of the public institutions of law. (Bunnin and Jiyuan 2004) Conventionally, the family, home, and personal taste and preference are private matters. Whatever the boundaries, the invasion of the private sphere is thought to be shameful. In contrast, the public sphere is the field of relationships that are subject to the implementations of law and political authority. The distinction between the public and the private is crucial for liberal theory to maintain the privacy-based rights and freedom of the individual (although other rights are based in the public sphere) and to pursue the legitimate extent of political authority. Could we map a similar distinction of public and private realm in Islamic context? There are some familiarities that can be traced, but it is hard to argue that there is an equivalent of this distinction in Islam. However, the impact of Western liberal law on Muslim majority countries is immense, making difficult to draw boundaries where the Islamic law starts and liberal law ends. In a sense, it is also a meaningless attempt to isolate the Islamic law from the liberal influences, as long as they correspond to the 'common needs' of humanity.

Perhaps, the first thing that comes into mind in discussing the public- private dichotomy in European context is the veiling practice. It has become a hot-debated issue in various national contexts, mostly in negative forms as in case of France where it is forbidden to wear headscarve in public schools. There are several reasons for the ban in various parts of Europe.

Salvatore (2004;1018) maintains that 'the iconic power of the veil relates to the fact that the secularly trained eye perceives the way it crosses, whether intentionally or not, the well-entrenched border between private and public spheres as the epitome of the essential threat of Islam in Europe.' It is seen as an instrument of proselytising or as a symbolic colonisation of the public space, which is supposed to be free of religion. The concern with the veiling in both scholarly and journalistic accounts can be interpreted as emanating from the perception that such a symbol 'contaminates' the secular sacrality of public space. Indeed, the veil is a figurative `fist in the eye' of the average citizen, the state administrator, as well the journalist and scholar. (Salvatore 2004)

Salvatore criticizes Gole for her simplistic account of the Muslim publicity. According to radical seculars, the entry of Muslim traditions into these spheres starts with the question of optical perception and idiosyncratic reaction. This has led some scholars to simplify the analysis into an issue of `visibility', considered the final token of `publicity', through a mechanistic reversal of paradigms of `invisible religion'. He continues that the issue of the entry of Muslim traditions into European public spheres is more complex than a mere `visibilisation' and must be understood in relation to the history of the European formulas for the separation of religion and politics, and private and public spheres. The intersection of these two codes of separation that were crucial to the formation of nation-states is in the 'administrative delimitation of a religious field and its subjection to state monitoring and authority.' (Salvatore 2004) How should we see the relation between these codes? Asad (2005) has an interesting explanation regarding why and how religion is monitored by the state in modern nation state. (particularly in France.) He claims that the secularism has been instituted (or 'invented') to prevent the two codes to diffuse into each other.[20] As the

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    "Today secularism is invoked to prevent two very different kinds of transgression: the perversion of politics by religious forces on the one hand, and the state's restriction of religious freedom on the other. But this becomes especially difficult in secular France because there "religion" continues to infect "politics"—at one level as the precondition for a civilized public sphere (the "Judeo-Christian values" informing secular France) and at another as parody (the "sacred" character of the Republic). The idea that religion is a system of symbols, that these symbols can be authoritatively read by public experts publicly, becomes especially attractive in the first concern, because in order to protect politics from perversion by religion, in order to determine its acceptable forms within the Republic,

argument continues, the situation is most of the time an intermingling of the two fields. I think Asad is prone to see these complex relations as ramifications of 'human factor', that the human social interaction cannot always be controlled, apart from the particular historical grounding of the two fields.

Salvatore mentions a historical 'political principle of relaxation' that the Christianity has enjoyed in European nation states;

> It is historically true that the codes and instruments for action in the two fields (religion and state) have been subject to a substantial differentiation. However, on a sociological level this differentiation is never as neat as in the ideological, legal, institutional and concordat frameworks regulating the relationship between state and Church. The discourse according to which 'belief' is the only code appropriate to the religious field has always been part of the policy of the state. Nonetheless, the institutional framework of established Churches has seldom contained religious activity within the confines of the private self and of invisible or not so visible church congregations. The legitimacy of the resulting 'expansion' of the religious 'code' has then been subject to explicit or implicit negotiations by Church leaders with state representatives, often willing to relax the principle in the name of a politics of mediation and concertation. (Salvatore 2007, p.155)

If Salvatore's assertion is valid, the question is to what extent is this 'relaxation' applicable to the Muslims in Europe? There are different institutional arragements in various countries, the common element that characterizes the perception in these countries, however, is the fear that society will be

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authority must identify "religion" and police it. This is compatible with encouraging subjects to make and recognize themselves through appropriate signs as proper secular citizens. So how do public spaces—saturated as they are with fears and ambitions, with memories and hopes—articulate ways of being worldly and unworldly? Given the fluid, unbounded, lateral character of so many social interactions, to what extent should we think of the public sphere as networks of emotional connections rather than as spaces of political debate within a hierarchical structure? The answers to both questions presupposes, I think, that "the public sphere" in secular societies (whether in Europe or in the Middle East) is more than a space of communication and debate, that it is inhabited by embodied subjects for whom politics and "religion" cannot always be easily separated. Perhaps that is why the liberal state finds itself having to try and impose on its citizens the disciplines and limitations that it calls secularism. " (Asad 2005)

Islamicized through Muslim immigrants, that the state should have an immediate control and intervention if necessary in Muslim population. The presence of Muslims in Europe, in spite of the great variety of their political and religious orientations (also including various types and degrees of commitment to secular lifestyles and even to atheism), is often perceived by the majority cultures and public opinion leaders as a sectarian intrusion into an assumedly (though not really) solid politico-cultural body almost on a par with the infiltration of the early Christians in the social fabric of the Roman empire. (Kallscheuer 1994, cited in Salvatore 2006) It is probable that this perception is mainly determined by a refusal to acknowledge a transparant 'silent majority,' condensing the cultural and political attitudes of the non-activist part of populations of Muslim background, and by magnifying in its stead the activities of groups that carry the banner of Islam in salient way, thus presenting a threat — real or, more often, symbolic — to the rules of secular politics. This approach is not "essentialist" for being crudely ethnocentric, but by virtue of the uniform procedures of classifying, policing, and ultimately folding religious identities and practices into assumedly clear legal and concordant-based frameworks of separation that contain religion in its proper "field." Consequently, whatever religious trace cannot be adequately "churchified" according to the codified mechanisms of an established and conventional deal between states and churches is then perceived a potential sectarian challenge. (Salvatore 2006, p.554)

Salvatore's answer to question that whether the principle of relaxation is applicable to Islam is negative, though it is in this negative respond that we observe a Euro-Islamic public sphere. He claims this political principle of relaxation, which on a theoretical level should be eguivalant to a legitimization of the contestability of the meaning and practical consequences of secularity, does not apply well to Islam in today's Europe. This cannot be too surprising, due to the colonial precedents that demanded a strict monitoring of religiously motivated socio-political action in Muslim majority countries, because of its potentially subversive character. (Salvatore 2007, 155) It is through this postcolonial rigidity that, by reaction, a Euro-Islamic public sphere is now emerging. The movement looks like 'a spiral and it manifests that, far from being mutually

functional, secularity and the openness of the public sphere within European modernity can be in a reciprocal tension, and their tense relationship is subject to continual and largely unpredictable transformations.' This unpredictable transformations should be seen along with the process of Europeanization in the continent, that is the EU project. Lastly, Levine offers a direction for the research on these European transformations in general and Muslim experience in particular:

> Given the centrality of networks to the reality of Muslim experience in Europe, an analysis of the transformation of Muslim networks in and through the space of Western Europe should attempt to map and decipher the different (if often overlapping) transnational— and as important, transcultural —discourses and dialogues that comprise them. Through these processes Islam is being 'renegotiated within a translocal public sphere.'Yet the increasing diversification and fragmentation of social interests in globalising network societies also lead to (re)constructed identities; in the case of 'developing' societies of the global south, 'resistance identities' that emerge when communities lack the political-economic and cultural power to articulate 'positive,' open and self-consciously hybrid identities. Such communities 'resist, they barely communicate,' either with each other or outside the smallest circles of caring and concern. Perhaps we can best see Euro-Islam as comprised of numerous 'traveling Islams' that recognise and are constituted through hybrid ity, internal difference and translocalised diaspora identities, and whose generally informal organising capabilities both influence and are transformed via the processes of cultural and economic globalisation. (Levine 2002, p.112)

III. Production of Legal Knowledge in European Context: Problems, Ambiguities

Maybe the most important concept in public sphere discussion in Islam is Maslaha. Maslaha (pl. masālih) is the abstract noun of the verb salaha (or saluha), "to repair or improve". Strictly speaking, maslaha , like manfaʿa, means "utility" and its antonyms are madarra and mafsada

("injury"); but generally speaking, maslaha denotes "welfare" and is used by jurists to mean "general good" or "public interest". Anything which helps to fetter mafsada or darar and furthers human welfare is equated with maslaha. (Khadduri 2009) It is not uncommon that the term reminds another concept 'utility' in political philosophy. Maslaha differs from utility in that, theologically, it is not limited to this world but connects the good in this world to the hereafter, and sociologically, does not confine the common good to material utility, and especially not to the sum of the utility of various agents (Masud 1995 [1977], p.132). Moreover maslaha does not show the limitations of the utilitas publica of Roman law (Crone 1987, p.11 cited in Salvatore 2007). In the Roman imperial epoch 'the faculty to reinterpret a law in the name of the public weal degenerated into the prerogative of edictal legislation to undermine the traditional law and legitimize ad hoc rulings' (Crone 1987, p.104– 5 cited in Salvatore 2007). Salvatore argues that 'the legalistic notion of utilitas publica hijacked the wider normative concept of res publica, while maslaha, though suitable to a juridical operationalization in form of istislah, remained closer to an interpretation of res publica in principle uncontaminated by any compromise with contingent exigencies of the ruler, following maslaha inoculates the law against any abuse for an expediency dictated by considerations external to the legitimate interests at stake in a given situation.' (2007)

There is an interesting argument by Khalid Masud on how 'Maslaha' has gained such a critical role in contemporary production of knowledge in Islamic law. He traces the concept to the works of 14th century Andulusian jurist, Al-Shatibi. In his lifetime, al-Shatibi (d. 1388) dealt with the issues of political, economic, and social change in his native Andalusia. After a decrease in influence that lasted for hundreds of years, Shatibi's work returned to stage in the late nineteenth century when Islamic reformers such as Rashid Rida (1865–1935) and Muhammad 'Abduh (1849– 1905), made it a major reference point for their own thinking.

Shatibi, argues Masud, 'develops the concept of Maslaha as the basis of rationality and extendibility of Islamic law to changing circumstances, but also presents it as a fundamental principle for the universality and certainty of Islamic law'. Shatibi's most important work was the

Muwafaqa, neglected by many jurists because readers needed a background knowledge of the political, economic, and social circumstances of the times in which Shatibi lived in order to understand his argument. (Eickelman 2003, p.14) It was claimed that it was this lack of knowledge and difficulty of understanding his works at that time made the negligence possible. Shatibi's contribution and newness could be evaluated within the discussions regarding what constitutes the aim of law in Islam. In that regard, the term Makasid al- Sharia, literally, 'the aims or purposes of the law', refers to the idea that God's law, the Sharia, is a system which consists aims or purposes. If the system is correctly followed, these aims will be achieved. From such a perspective, the Sharia is not only a collection of inscrutable rulings. Shatibi, probably the most sophisticated of the classical adherent of the doctrine of Makasid al- Sharia, states, "the laws were instituted only for the benefit of the believers in this world and the next" (*Muwāfaḳāt*, ii, 2, cited in Gleave 2009). The laws themselves are only the tools of succeeding the God's aims and intentions. Gleave (2009) argues that 'the laws hold no intrinsic value, and if, sometimes, the strict implementation of the law compromises the aims of the Sharia, then for some supporters of the doctrine of 'Makasid', the law can be set aside or modified so that God's intentions might be fulfilled, this possibility has made an appeal to 'Makasid al- Sharia' particularly popular amongst modern legal reformers in the Muslim word, as it enables them to alter some long-held elements of the law which they consider to be impracticable in a contemporary setting.'

In the first part of the thesis, I have mentioned the emergence of the jurisprudence of the Muslim Minorities discourse that gained importance in European context. However, this term has brought a lot of ambiguities, Masud argues. First of all, its semantic vagueness assumes the concept of a sub-nation in a nation-state framework. Religious minority is even weaker than sub-nation or national minority since it is further split into other components like language and culture. Second, the problem of minority is very closely related with other minority situations, e.g. non-Muslim and Muslim minorities in Muslim countries. Most often they are not seen in the same way. Third, the condition of Muslim minorities in the Western countries also separate from the Muslim

minorities in non-Western countries, for instance, India. It is shown that minorities in these different situations have to establish different sets of jurisprudence, so much so that the term minority, in final analysis, becomes futile. Here we see the need for help from other disciplines such anthropology, sociology and political science. The problems stressed by Fiqh al-Aqalliyat are not the questions related to Muslim minorities only. The questions are a concern for the whole Muslim world. Some of these questions are certainly more important and urgent for Muslims in the West, but ultimately the whole Muslim world has to respond to them. (Masud 2002, p.17)

Classical approach of Islamic legal tradition to institute a rule was based on the famous distinction between House of War and House of Peace. However modern Muslim jurists such as Al-Karadawi dismiss this methodological distinction and see the situation of Muslim minorities as exceptional cases that require special considerations. They approach the whole range of questions regarding to laws about 'food, dress, marriage, divorce, co-education, and relations with non-Muslims, etc.' in terms of expediency. Consequently, a whole set of new interpretations, often divergent, emerged. Some other jurists stated the need for new, especially formal sources. Various rules of Islamic jurisprudence, e.g. common good, objectives or spirit of law, convenience, common practice, necessity, and prevention of harm, which were invoked sparingly, gained significance as basic principles of Islamic legal theory. These opinions were published in the form of fatwas and did not constitute part of regular Islamic law texts. It is only recently that treatises have begun to appear on the subject. (Masud 2002, p.17)

The reason that these treatises have begun to emerge should be seen in a general frame of a critical Islam that has started to permeate in Muslim communities. Salvatore argues that a particularly sensitive turning point in the emergence of a critical Islam is manifested by 'the perceived need to reconcile the call for participatory democracy with the reconstruction of shari'a through the codification and proceduralization of fiqh (Islamic jurisprudence) in ways that are adequate to the predicament of practising Muslims living in European societies. ' (Salvatore 2007, p.140-41) According to the approach of critical Islam, the aim cannot be confined to providing

order in the lives of Muslims, but extends to building practical venues for their acting as citizens on the basis of an orientation to 'the common good.' In other words, what is good for Muslims can no longer be defined solely by Islamic law but has to be directed towards what is good for humanity as a whole. This approach should, according to Ramadan, hinder a 'communitarian ghettoization.' The idea of shari'a as an overarching law binding all Muslims is not rejected but reinterpreted in ways that underlines the commitment to the common good and dilute, when not openly criticizing, 'the jurisprudential, often casuistic ramifications of this key Islamic normative idea.' (Ramadan, 2003, cited in Salvatore 2007)

Salvatore argues that al-Shatibi's concern for maslaha is the result of a strong tradition of reflection on the 'phronetic' (practical wisdom or prudence) character of human action that reached its zenith during the Axial Renaissance. His theoretical elaborations were stimulated by the serious socio-economic changes that Andalusi society was experiencing in the fourteenth century.

> These upheavals made a reliance on analogy and precedent in jurisprudence insufficient to solve legal cases and raised the necessity to reconstruct broader principles of Islamic law from which to derive rulings. Al-Shatibi inherited from the earlier discussions, which spanned the period from the eleventh century to his own epoch, the view that the objectives of God's will, and therefore of the sharia, are simply the maslaha (the good, the interest) of the people. He was particularly straightforward in seeing the finality of the sharia as coinciding with maslaha. We find here a view of maslaha that is at the same time strongly objectified and quite concrete, similarly to the pristine Roman view of res publica. The main difference is that as a theoretical notion denoting good or interest, maslaha was also immediately applicable to the modalities of legal reasoning. It should be remarked that in his work on the philosophy of law, al-Shatibi manifested his outright distaste for any purely intellectual or theological discussion of sharia. Wherever unrelated to questions immediately relevant for action and judgment, such an abstract

discussion was, in his view, hostile to the scope of sharia itself. It was precisely on the basis of such a radically anti-intellectualistic platform that al-Shatibi delivered the most compelling theoretical formulation of Islamic notions of "common good" and "public weal." (Salvatore 2007, p. 171)

The reason that I focus on the articulation of the 'common good' is related with the social context in which these ideas have emerged. The 'ulama', scholars of Islam, represent a complex scholarly tradition that they typically see not so much as being inseparable from Islam as constituting its very definition. It is with reference to this tradition that they view themselves and the world around them, express their ideas of an Islamic society and state, and reflect on their understanding of the common good. It is claimed that the 'ulama's conceptions of the common good are important for understanding not just their thinking but also the processes through which dimensions of that thought are expressed, as well as the public sphere in which they are constituted. What these conceptions of the common good are and how they are connected to the ulemas long-standing tradition— as well as to their contemporary contexts— are questions that have rarely been asked. (Qasim Zaman 2006, p.130)

Conclusion

How can we situate the public reasoning discussions within Islam in modern European context? If common good is a motive for political action and the mobilization of the Muslim youth around the issues of justice and social welfare is observed, then the religious norms here are in need of a critical re-examination as the writers above suggests. The function of the discussions of an emerging Euro-Islamic public sphere (surely it is an ongoing process) along with its concomitant tensions could be approached as a crucial element in formation of a new Europe. There is an argument by Levine and Salvatore (2005, p.29) that contemporary Muslim socio-religious movements strive to formulate and implement discourses of common good that aim to legitimate specific forms of political community, based on specific methods of public reasoning.

These discourses are often in tension with modern liberal conceptions of the public sphere due to it rigid historical construction as we saw in citizenship discussion. They are immune to the these historical legacies of the political action that is rooted in the liberal norms of publicness based on atomistic (or hyper-individualistic) views of the social agent and contractually based notions of trust, by a strict interpretation of the dichotomy between private and public spheres, and by the ultimate basing of public reason on private interest. Socio-religious discourses and movements base their public reason on a practical reason sanctified by religious tradition, however variably interpreted. Such a perspective provides these discourses with a level of flexibility and adaptability that explains their success in mobilizing large numbers of people to their cause. Salih's observation of mixed and cross cutting belonging within Muslim youth that motivates for political activism is achieved through the dimension of socio-religious discourses and movements that Salvatore and Levine assert.

The tensions between Muslim political activism and liberal political action have a good impact on a politically more sensitive European public conscience. It is especially the atomistic view of social agency that made the political action indifferent towards the injustices in the continent and the world. On the other hand, migrant Muslim youth has learned to analyse critically their countries of origin thanks to their 'uprooted' position in the social environment. This new condition gives them a perspective to evaluate the social and political circumstances both in Europe and in the countries of origin, which at the end drives multi-focus and transnational oriented socio-religious behaviour. Indeed, this condition is not exhausted by the parochial national problems that capture the politics in general. One of the ways that the socio-religious movements contribute to the constitution and contestation of norms of public life is to provide services to their communities and articulating social justice claims that challenge the discourse of rights that is increasingly applied by the secular elites as   we saw in the 'paternalistic' discourse of the Stasi report on the justification of headscarve ban.

It is argued that socio-religious movements of various kinds articulate collective

identities and constitute public interactive spaces without requiring a grounding centrality of nation-state institutions. In doing so, they 'reconstruct alternative models of the relationship between state institutions and the interests of grass-roots communities, often premised on their educational and welfare projects.' Supported by discourses of social justice, these projects have a large influence on the views of political community, citizenship, and legitimate authority among their constituencies. (Levine and Salvatore 2005, p.30) In part B I have tried to disclose the citizenship dimension through an Islamic notion of self which is in tension with the liberal political selfhood. Perhaps, on a parallel level with this tension, a high degree of communication and socio-political criticism within the public space that cuts through different national contexts and sources of belonging can give us an impression of how cosmopolitan universalism might look like in the continent.

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