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ISLAMIC ECUMENISM REDEFINED: A HUNGARIAN MUSLIM LEADER'S "REFORMED SHARIA" FOR EVERYDAY MUSLIMS AND EUROPE

Abstract: This paper explores the idea of a reformed *sharia* and its potential for redefining ecumenism and engagement with everyday Islam in Europe. It builds its argument on interviews conducted with the founder of the Hungarian Muslim community Balázs Mihálffy. He promotes an ambitious reform project of Islamic law, in his 2428-page Quran commentary, and throughout his life trajectory of ecumenism and work on *sharia*. Mihálffy's understanding of *sharia* as a solution to the predicaments of Islam and Europe, which comes at a critical time, is presented and analyzed here in both its resources and limits. We also examine his *sharia* claim in the current debates of the anthropology of Islam in Europe, the context of Islam in Hungary and the reception of *sharia*-claims by European lawyers and institutions.

Keywords:

Ecumenism; Hungarian Muslims; *sharia*; Balázs Mihálffy; reform

Introduction

The term ecumenism is used here to mean the inclusivist idea or attitude of promoting unity beyond religions, especially of Judaism, Christianity and Islam, on the foundation of a common platform rooted in the idea of monotheism. It is endorsed by many Muslims, including reformist thinkers and activists. Throughout this paper, "ecumenical Islam" will not refer to the dialogical aspect of the relationship between faiths, in its narrow sense, although this aspect constitutes a component of ecumenism as we envision it here. Interfaith dialogue has been going on in Europe for the last forty years or more without any significant result in terms of bridging the gap between the different religious communities.[1] In this religi-

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1 The most recent example of this clash is the debate in France in April 2018 over the "manifest to against the new anti-Semitism" in which 300 public intellectuals in France accuse Muslims of anti-Semitism. These intellectuals include an ex-president, ex-prime ministers and eminent philosophers denouncing what they perceive as systematic attacks on Jews by Muslims in the French suburban areas.

See: antisémitisme 2018.

ous diplomacy, open-minded theologians of the three religions practice a tedious inter-religious dialogue, hoping to achieve world peace and build trust between different religious communities, while clearly setting the boundaries of interaction and entertaining theologically and politically exclusivist systems.

As Islam became part of Europe, professed by populations, organisations and ideas since the 1960s, some Islamic interpretations of the public sphere and freedom clashed with Christian and Jewish religious attitudes on these fundamental matters for social co-existence. Inter-religious platforms established mostly by Christian religious leaders have a hard time changing the relations between communities. There is, however, an increasing demand for ecumenism that can be observed in Europe among Muslims. Some young Muslims, either Sufis, social workers, interfaith families or simple citizens who feel proximity with Christianity or the necessity to get along with it in order to live peacefully in Europe, endorse an Islamic ethics that can be labelled as "ecumenical Islam". Usually, these individuals are non-practicing Muslims, with loose links to the religious and political Islamic institutions. They are to be encountered among "everyday Muslims" or among highly educated Muslims or multicultural Muslims, in the form of a universal discourse or thinking, with very little activities, and their focus is rather on the universal/Western/cosmopolitan/liberal mindset. The gap between this "ecumenical Islam" and the dominating religious discourses among the Muslim communities is dramatic. To express this ecumenical sensitivity, few Muslim leaders, either theologians or intellectuals, strive to craft convincing ideas of a genuine ecumenical meeting with the other.

Currently in Europe, this type of ecumenical thinking is challenged by at least two major problems: first, one can list Islamist violence in Europe, and the radicalisation of a part of the Muslim community, frustrated by marginalization and framed by Islamism, increasing mistrust between Europe and Islam, with the consequence that many Europeans lost faith in the capacity of Muslim leaders to respond to the violence caused by radical Muslims. Second, the core of Islam is *sharia*, a set of legal and ethical rules stated or inspired by the foundational texts of Islam. *Sharia* establishes the boundaries of dealing with non-Muslims and the behavioural norms in diverse social, economic and political aspects of public, as well as private matters, making an "ecumenical life" restrained if not banned according to the dominating interpretations of *sharia*.

Demand for an "ecumenical Islam" thus hopes for the emergence of reformist Muslims sufficiently credible in their community and authentically open to the values of liberal democracy in order to integrate Muslim communities in its structures and discourses. Above all, they are expected to solve the two major problems of the clash between Islam and Europe, namely violence and *sharia*. This demand is equally intensive among the young generations of Muslims in Europe and ruling elites in most European countries.

Ecumenism in Islam, as a quest for unity beyond religions, has been studied by many researchers focusing on esoteric Sufism. This is, however, a marginal trend within Sufism and current Islam in general, dominated by legal and theological

interpretations, framed in global or local political claims. Few contemporary reformists, who are embedded in the legal enterprise of Islam or at least committed to it and yet developing ecumenical views, attracted research and attention in the West. Abdullahi Ahmed an-Naʿim, a Sudanese professor of Islamic law at Emory University studied Mahmud Muhammad Taha (1909-1985), a Sudanese liberal Muslim reformist and the way he reinterprets the law about the *dhimmis*, as particular to the context of Medina (622-632), non-universal in principle, and promotes co-existence with Christians in Sudan on the model of the Meccan period (610-622), as being universal and reflecting ethical values.[2] In 1997, Ataullah Siddiqui examined the work of the Tunisian reformist Mohamed Talbi (1921-2017), and his attempt to reconsider the notion of *umma*, community to include non-Muslims, on the model of the constitution of Medina.[3] More recently, and in the context of post-2011 Egypt, Dominique Avon (France) and Amin Elias (Lebanon) investigated the oeuvre of Gamal al-Banna, an Egyptian reformist (1920-2013) who attempted to review the sources of Islamic law in order to incorporate freedom for non-believers and secularism, considering the Copts as brothers in citizenship and religion.[4]

It must be noted that in Islamic studies and social sciences, scholars agree that *sharia* is an equivocal term that could convey different meanings in different contexts. Two recent and authoritative works confirmed this widely held view. The first is edited by Baudouin Dupret *La charia aujourd'hui: usages de la référence au droit islamique*[5] and the second is edited by Timothy P. Daniels *Sharia Dynamics: Islamic Law and Sociopolitical Processes*.[6] They both show that the uses and dynamics of *sharia* vary considerably according to its different settings; they are more flexible in pluralistic contexts such as Malaysia and Indonesia, more rigid in Pakistan and in Arab Islamist movements, while liberal in the fields of finance or in the *fatwas* issued in the period of the "Arab Spring". None of the researchers who contributed to these two books intended to argue that *sharia* is somewhere one and definite and then it adapts to different contexts, although titles can lend to this understanding. On the contrary, their idea is that it is impossible to identify one *sharia* today and that there are *sharias* according to the context and the authority that claims it, without really resembling the classical *sharia*, because that did not have a definite form either.

Up to now, far too little attention has been devoted to "ecumenical Islam" which operates a redefinition of *sharia* in order to incorporate European legal systems. Much uncertainty still exists about the capacity of Muslim leaders to reshape and integrate *sharia* that vary in a secularist European context. This paper gives an account of an attempt by a Hungarian Muslim leader, Balázs Mihálffy to redefine *sharia* for Europe, putting it into the perspective of the Muslim presence in Europe in general.

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2 An-naʿim 1988.
3 Siddiqui 1997.
4 Avon and Elias 2013.
5 Dupret 2012.
6 Daniels 2017.

1. The perception of ecumenism among Hungarian Muslims

Mihálffy became acquainted with Islam while sharing a room with a Sudanese student in a university dormitory in Hungary. Having spent years in Africa and after gaining a higher degree from the Azhar university that qualified him as a shaykh, Mihálffy returned to Hungary where he founded the Hungarian Muslim Community in the late 1980s. Being an agricultural engineer prompted him to dedicate special attention to *halal* labelling for which he set up a certifying enterprise seated in Vienna. He elaborated an inclusive understanding of *halal* based on ethics, focusing on the purpose of the notion: producing, selling and consuming food that does good to the human body and corresponds to natural law in its Islamic understanding. Answering the question of whether branding in itself causes segregation, Mihálffy proposed that corresponding to a certain religious criterion can be considered as an additional, beneficent characteristic of a food product offered to the wider public without making the labelling central. Similarly, he understands *hijab* as a way of dressing that does not attract attention but fully fits into the environment and is modest at the same time.[7] Mihálffy is a regular guest at round table discussions welcomed by the Jesuit-run Párbeszéd Háza (The House of Dialogue) in Budapest and Miklós Beer Bishop of Vác among others. However, his position and views do not resonate with the current trends among Hungarian Muslims. To illustrate their perception of integration and *sharia* we quote some relevant *fatwas* available on the most popular website, iszlam.com run by the biggest Hungarian Muslim community, the Organization of Muslims in Hungary (Magyarországi Muszlimok Egyháza).

The first of the *fatwas* studied deals with the question of religious education. On this the ruling is strict: Muslim students have to be exempted from any religious or ethics classes other than Islamic.[8] This approach suggests a straightforward ideological separation from the majority society. Another *fatwa* states that holidays rooted in the Christian tradition that gained social, cultural importance such as All Saints' Day are also to be avoided as they are non-Islamic. The reasoning concludes with a fundamentalist statement: "It is a good for Muslims to pray for Muslims. However, praying for non-Muslims is not possible."[9] The same conservative, fundamentalist approach is reflected in the *fatwa* arguing against greeting or participating "in the religious festivals of idolaters and the People of Book." This opinion references Ibn Taymiyya and his disciple Ibn al-Qayyim,

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7   Interview conducted by the authors of the present article with Balázs Mihálffy

8   A muszlim családoknak hogyan kell eljárniuk a bevezetendő kötelező iskolai hitoktatással kapcsolatban? [What must Muslin families do in connection with the compulsory religious education to be introduced in the schools?] http://iszlam.com/kerdes-valasz/vallasi-velemenyek-fatwak/item/2085-hitoktatas (Accessed on 25. 05. 2018)

9   Általános kérdések és válaszok az iszlámmal kapcsolatban. [General questions and answers on Islam] http://iszlam.com/kerdes-valasz/altalanos-kerdesek/item/2099-altalanos-kerdesek-es-valaszok-az-iszlammal-kapcsolatban (Accessed on 25. 05. 2018)

legal scholars of the 14th century who are considered as religious authorities of the Salafi interpretation of Islam.[10]

Regarding the funeral of non-Muslim parents or close relatives, the *fatwa* prompts further alienation from the majority saying that Muslims may attend them "but they should not take part in prayers and in other religious rituals.[11] In the perception of Hungarian Muslim leaders, social customs and norms are subordinated to religious regulations as reflected in the following fatwa: "Based on the beliefs and behaviours of the Islamic religion and what is explained above, attending swimming pools and beaches for children older than 5 to 6 years is not recommended. After reaching adolescence, it is strongly contraindicated."[12]

Another set of legal opinions deals with economic issues and displays some degree of flexibility in as much as it serves the needs and prosperity of Muslims. It argues that if prohibiting a loan with interest "would deprive Muslims of having an opportunity to have their own home and family, which is a basic necessity it is permissible, since here the Muslim 'feeds' the usury (he pays the interest) and does not 'eat' it (he does not benefit from the interest). The original ban refers to the beneficiary of the interest rather than to its payer, as explained in the Quran. [In it] both the use and the taking of interest are prohibited, in order to block the leeway for everyone and not to leave any opportunity for abuse."[13] In this reasoning the idea of interest, *maṣlaḥa* can be detected. It does not discard or reinterpret the relevant *sharia* ruling but rather creates a hierarchy of priorities in which religious ethics is substituted by moral economy.

On *iszlam.com* we can read about Islamic identity defined as holistic, universal and marked by distinguished characteristics. "It specifies the purpose, the function and the distant purpose [of the believers] precisely and clearly (…) [It] provides [them] with the basic elements of survival and preserves their culture and ideology so they do not get absorbed into other nations (…) Forced assimilation may weaken the Islamic identity for certain communities, but it is quite certain that the process will not happen, since this religion is guarded by Allah, and Allah has guaranteed its preservation (…) Muslims are obliged to stick to this identity, and not allowed to leave it." This identity is the only source of pride and creates a close bond and loyalty between the believers.[14]

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10 Gratuláció a nem-muszlimoknak, ünnepeik alkalmából. [Greetings to non-Muslims on the occasion of their feast days] http://iszlam.com/kerdes-valasz/altalanos-kerdesek/item/1739-gratulacio-a-nem-muszlimoknak-unnepeik-alkalmabol (Accessed on 25. 05. 2018)

11 Részvétel a nem-muszlim rokonok temetkezési szertartásában. [Participation in the funeral ceremonies of non-Muslim relatives] http://iszlam.com/kerdes-valasz/altalanos-kerdesek/item/1742-reszvetelanem-muszlimrokonoktemetkezesiszertartasaban (Accessed on 25. 05. 2018)

12 Úszás serdülőkort elért gyermekek esetében. [Swimming for children who have reached adolescence] http://iszlam.com/kerdes-valasz/vallasi-velemenyek-fatwak/item/2089-uszas-serdulokort-elert-gyermekek-eseteben (Accessed on 25. 05. 2018)

13 Kamatozó banki kölcsönből vásárolt magán ingatlan esete nem iszlám országban. [The case of private property bought with interest-paying bank loans in a non-Islamic country] http://iszlam.com/kerdes-valasz/altalanos-kerdesek/item/1738-kamatozobankikolcsonbolvasaroltmaganingatlanesetenemiszlamorszagban (Accessed on 25. 05. 2018)

14 A muszlim identitás és megőrzése Nyugaton. [Muslim identity and its preservation in the West] http://iszlam.com/iszlam-az-elet-vallasa/iszlam-es-nyugat/item/1317-a-muszlim-identitas-es-megorzese-nyugaton (Accessed on 27. 05. 2018)

About religious diversity and dialogue an article entitled "The culture of tolerance as perceived by Muslims" explains that "Religious difference is Allah's will in this world. Therefore, there is no point in trying to make the whole earth follow a particular religion (...) According to Islam, no one is responsible for the choice of religion for others, since it is an individual decision, and only God will judge people for the correctness of their religion (...) those who are subject to Allah, cannot go beyond the civilized framework of dialogue or resort to violence.[15] This understanding of tolerance cautiously maintains the supremacy of Islam, while stating that other religions are tolerated by Allah and therefore Muslims are not allowed to use violence in order to spread Islam, however non-Muslims have to face God's judgement regarding their beliefs.

Another article entitled "Muslim identity and its preservation in the West" sets the principles for social (interfaith) dialogue as follows:

1. Emphasizing common human denominators and human values instead of differences.

2. Emphasizing dialogue and co-operation between civilizations instead of clashing with civilizations

3. Use of moderate communication as it is a characteristic of the identity of the Muslim *umma* (community)

4. Applying an intellectual, objective, and tactful tone rather than impulsive, confrontational speech

5. Showing readiness to compromise in the discourse between the individual and the society in order to deepen the organic belonging of the Muslim individual to the society

6. Showing pride in the [Muslim] identity: "And who is better in speech than one who invites to Allah and does righteousness and says, 'Indeed, I am of the Muslims'." (Quran 41:33)[16]

Abdul-Fattah Munif, the author of the article cited above is actively engaged in interfaith dialogue and is a regular guest at various forums.[17] His theoretical summary is a tactical guideline, and mixture of lenience and flexibility as far as communication is concerned and of proselytism and feeling of superiority as a Muslim. However, the *fatwas* published at the same website do not reflect a

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15 A tolerancia kultúrája a muszlimoknál. [The culture of tolerance among Muslims] http://iszlam.com/iszlam-az-elet-vallasa/iszlam-es-nyugat/item/1235-a-tolerancia-kulturaja-a-muszlimoknal (Accessed on 28. 05. 2018)

16 A muszlim identitás és megőrzése Nyugaton. [Muslim identity and its preservation in the West] http://iszlam.com/iszlam-az-elet-vallasa/iszlam-es-nyugat/item/1317-a-muszlim-identitas-es-megorzese-nyugaton (Accessed on 27. 05. 2018)

17 "Közelkép az iszlámról" – Könyvbemutatót tartottak a Párbeszéd Házában. ["Close-up of Islam" – Book launch held in the House of Dialogue] http://www.magyarkurir.hu/hirek/-kozelkep-az-iszlam-rol-konyvbemutatot-tartottak-parbeszed-hazaban/ (Accessed on 26. 05. 2018)

Terézvárosi vallásközi konferencia a misztikáról. [Interfaith conference in Terézváros on mysticism] https://www.magyarkurir.hu/hirek/a-misztikarol-beszelgettek-terezvarosi-vallaskozi-konferencian (Accessed on 26. 05. 2018)

reformed or modernist approach in practice. The section on interfaith dialogue displays only a propaganda video,[18] and events open to non-Muslims such as the *World Hijab Day Hungary - A Kendő Világnapja* have an implicit missionary purpose.[19]

Identity, as perceived by the legal experts of the Hungarian Muslim Community, is based on "common faith, common history, common language, and common home (common homeland or common geographical location). In addition, there are less positive identity-forming elements such as common economic interests or envisioning a common enemy." The argument suggests that identity has various layers as well, of which "in Islam the most significant is undoubtedly faith that keeps the other elements in balance." After detailing the primary principles of faith, the Muslim community is defined as "the best nation" and identity as "a map that brings us back to our real country (Paradise)". In this reasoning the primacy of religion is explicit, nation is equated with faith community, and homeland is substituted by a religious concept, Paradise.

As a consequence, integration has no clear definition. The article says: "When a Muslim man integrates himself in the society in which he lives, preserving the principles of Islamic faith in his heart and embracing the Islamic lifestyle, and thus expresses the concept of Islamic identity." This understanding envisions integration as making the *sharia* integral to the host society without any compromise, flexibility or adapting to the non-Muslim majority context. Dr. Zoltán Sulok, president of the MME would begin the process of successful integration with the introduction of Islam to society so that Muslims are not regarded as aliens in the society (...)The integration of the majority of Muslims has been realized. The society welcomed them. We should introduce ourselves to those who have prejudices against us. That is why we have publications and press events." [20] In other words, Sulok upholds the view that the host society has to change and adapt to the Islam as presented to them, in this tactful communication has a key role, while reformist reading is not on the agenda. Sulok participates in events where he is called to spread the news about an allegedly non-radical version of Islam professed by his Organisation.[21] As explained in what follows, Balázs Mihálffy's reformist approach differs from this perception in depth.

2. Mihálffy's approach and the predicament of *sharia* in Europe

Balázs Mihálffy argues that at the root of current tensions and misunderstandings between Islam and Europe, is that doctrine and the law (*sharia*) are considered as inseparable in the hearts and minds of Muslims, at least according to the ortho-

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18 Vallások közötti párbeszéd. [Interfaith dialogue] http://iszlam.com/iszlam-az-elet-vallasa/iszlam-es-nyugat/item/307-vallasok-kozotti-parbeszed (Accessed on 28. 05. 2018)

19 World Hijab Day Hungary - A Kendő Világnapja. http://iszlam.com/hirek/item/2482-world-hijab-day-hungary-a-kendo-vilagnapja (Accessed on 27. 05. 2018)

20 Szentágotay 2011. 88-89.

21 http://www.magyarkurir.hu/hirek/egy-vallasos-magyar-muszlim-az-iszlam-alapjairol-sulok-zoltan-volt-keteg-szalon-vendege [A religious Hungarian Muslim on the foundations of Islam. Zoltán Sulok was guest of Keteg Salon]

dox-dominated views of Islam based on legal-theological institutions, whether in Sunni or Shiite Islam. According to Mihálffy, doctrine and law are distinct issues and could be dealt with separately. As he puts it:

> Europe is not prepared to deal with such a mindset. For Muslims, freedom of religion means not only the freedom of spreading the doctrine and religious practice but also the freedom to apply the *sharia*. So, when we deal with the *ḥalāl / ḥarām* regulations we deal only with a sub-branch of the *muʿāmalāt* (transactions). Therefore, we cannot regulate or tackle any phenomenon of Muslim religiosity without a holistic perspective that concerns the entire system. This is the same with the concept of sin and infringement or offenses. There are certain actions that are contrary to the western legal norms but they are not considered as such by Islamic law or they are even praised. The growing ratio of Muslims in Europe poses the need to find a *modus vivendi* with them while maintaining the law and order of the state.[22]

A recent account by Lisbet Christoffersen and Jørgen S. Nielsen corroborates Mihálffy's claim, and asserts that "for some sections of the Muslim communities in Europe, aspects of custom related in some way to Islam…remain so persistent that for the legislator and the judge to ignore them is tantamount to institutionalizing severe injustice".[23] Conversely, Nilüfer Göle argues that everyday Muslims in Europe believe that Europe is a privileged framework because they are encouraged to live according to their conscience, by abandoning all references to *sharia*. Others created a limited theory of *sharia*, a sort of minimalist orthodoxy, by limiting Islamic legislation to cult practices (ʿ*ibādāt*) and moral principles (*akhlāq*)".[24] She interviewed a couple of young Muslims in Switzerland in whose life, as she puts it "*sharia* does not take up a large place as a legal system and even less as a penal code… in a self-confident way, and even with some pride, they affirm their feeling of belonging to the European cultural area, even more so as they distance themselves from *sharia*"[25]. These two accounts summarise quite well the cleavage of interpretations of *sharia* among Muslims in Europe, and the complexity of Muslim appropriations of *sharia*.

3. An ecumenical *sharia* for Europe?

For Balázs Mihálffy, the solution for this predicament can be found in the consideration of *sharia* as a flexible system, which, according to him, has always been flexible. As he argues:

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22 Interview with Balázs Mihálffy.
23 Christoffersen and Nielsen 2009. xiii.
24 Göle 2017. 85.
25 Göle 2017. 85-86.

If we look at the development of the *sharia* in the various parts of the growing Islamic empire, we find that it incorporated in itself a great number of elements from the local customary law and Islamified them. Therefore, *sharia* is adaptable. It was one of the conditions that allowed Islam to put down roots from Central Asia to the Iberian Peninsula as well as in the Far East and Sub-Saharan Africa. Even today when Muslims from different parts of the world meet, they realize that not only legal schools divide them but their local customs as well, most of which are abiding as if they were part of the *sharia*. Until 1924, the fall of the caliphate, this complexity was managed by the allegiance to the central religious authority, even if nominal. Ever since the abolishment of the caliphate the Muslim psyche has suffered from the duality resulting from the separation of doctrine and law. In this context, in their understanding, the freedom of religion in the West offers a unique opportunity to restore the desired unity. This is a menace in as much as the West cannot get control of it. The common belief in this regard is: either secularism, or Islam, since they have no common ground. However, rather than imposing an enforced choice – which usually provokes more antagonism towards the secular order – Europe should set the frame by elaborating a new Islamic law which is based on harmonisation with the European legal system. Unfortunately, it seems that we cannot expect this process to be done by Muslim religious experts. It has to be prepared and offered – I mean here making it obligatory – by Western legal experts. Western law is much more developed and has to show the path of adapting *sharia*.[26]

We asked Balázs Mihálffy whether his call to Western lawyers to adapt *sharia* for Muslims and Europe has so far generated any reactions, especially in Hungary. He said that he received two kinds of reactions. On the one hand, he faced a faced disinterest by some lawyers who, in his view, were too narrow-minded to see the importance of the matter. Others, however, including the ex-president of Hungary László Sólyom (President of Hungary from 2005 to 2010), an internationally acknowledged expert of constitutional law, were quite open, and found his idea of incorporating some elements of *sharia* into the legal systems of Europe as worth further consideration after a harmonisation process. There are precedents for this logic in some countries such as South Africa which took into account African customs in shaping a new law for the republic after the end of apartheid in early 1990s.

The question of the place of *sharia* law in European legal systems has been recurrent in the recent debates in Europe. Lorenzo Zucca, in his *A Secular Europe: Law and Religion in the European Constitutional Landscape* offers one of the most extensive discussions of the subject. He maintains that "the place of *sharia* law in European political societies varies. It is incorrect to believe that we can simply turn a blind eye to religious laws or to treat them as irrelevant. They are very relevant for a growing number of people, and secular states want to be able to moni-

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26 Interview with Balázs Mihálffy.

tor the way in which religious norms affect the lives of people".[27] Zucca discusses four models of interaction between *sharia* and European legal systems: "total legal indifference towards religious norms, possible ways of accommodating religious norms into the ordinary legal system, the possibility of multiple jurisdictions of religious and non-religious kinds and the parallel legal systems whereby religious norms have a life independent from secular norms".[28]

What is overlooked in this account, and in many other studies, is the very nature of *sharia* for its proponents. The claims of *sharia* are diffused and embraced by Islamist activists whose project lies not only in the making of a reasonable accommodation over *sharia*, assuming that such accommodation is acceptable for them and for European lawyers, but aims at an integral socio-political system they believe should be applied in the European societies, supported by religious clerics who benefit from sponsoring an extended version of *sharia*. The supporters of *sharia* do not consider it to be shaped by public interest and botched up legislation by elected people, who can change it. For them, *sharia* is divine in essence.

Balázs Mihálffy does not believe in this Islamist view of *sharia* and thinks that *sharia* is flexible enough to adapt as circumstances change. He mistrusts two types of proponents of *sharia* currently widespread in Europe. First, the radical, fundamentalist interpreters of Islam whom he accuses of greed, fanaticism, backwardness and ignorance. In his view, the *fatwas* they deliver serve "business" interests they try to maintain and, therefore, he considers them as agents of blind conservativism, extremism, and obscurantism. Second, Mihálffy distrusts the Muslim Brotherhood offshoots everywhere, which he considers to be part of a global political Islamist strategy, funded by Gulf countries, and determined to install Islamic societies in Europe.

As far as the process of accommodating *sharia* in Europe is concerned, Mihálffy believes it is similar to:

> Linguistic interpretation: conveying ideas in the language of the other. Enforcing secular law through the *sharia*, in a scientific and systematic manner. In practice, we have to differentiate between legislation, jurisdiction and arbitration. Legislation refers to the national law-making process of Parliament. In this, *sharia* cannot have any scope, it cannot influence national legislation. In the field of jurisdiction, a legal court, *maḥkama sharʿiyya* can be set up where the harmonised law is in fact applied. The third layer is that of arbitration that refers to the private sphere where certain customs and traditions can be maintained. The host society has to be prepared to provide the structure to which they have to adapt. The structure must be called Islamic with proper legal and Muslim references in order to be accepted by Muslims but containing only those elements that are in accordance with the European law, as well as the principles of Western law based on the reformist interpretation of Islamic scriptures.[29]

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27 Zucca 2012. 119.
28 Zucca 2012. 132-133.
29 Interview with Balázs Mihálffy.

Mihálffy suggests a diversification of legal tools to allow various layers of "*sharia*-embedded-as-law" or "law-embedded-as-*sharia*" in the European legal systems. As in any legal system, legislation and jurisdiction can overlap or even conflict. Here two questions have to be answered. First, whether the decrees issued by the legislative authority on matters of religious importance – such as euthanasia – can be accommodated in the *sharia* law or not. Second, whether, assuming that such accommodation is achievable, it could be persuasive to the large Muslim communities or not.

Beyond such legal conflicts, the very idea that a society should revise and adapt its laws to a particular religion in order to persuade its believers to embrace national law is not in line with the European legal traditions and social standards. One argument that we often heard from different European interlocutors is that Europe cannot adapt itself each time to a newly-arriving religion, because, as a matter of fact, Europe adopted for centuries secular laws and expects the new-comers to synchronize their religious laws with the secular laws at work. This perception is also related to the belief that laws stem from public conventions and they are inherent to the sum of interests of a nation. While many Europeans we talked to are willing to accept that *sharia* could prevail in private matters, and even in the economy, they definitely oppose any presence of *sharia* in the public sphere, intended as the space of social and political interaction, for whatsoever reason, and indeed they oppose any other form of religious law in the public space.

Mihálffy's proposal needs to be contextualized both in the Hungarian context and in the wider European context. With regard to the Hungarian context, Mihálffy believes that the current policy of Hungary in terms of migration is focused on the strategy of fighting mass migration while, in his view, there should be an accompanying, proactive strategy of integrating Muslims in countries where they exist in large numbers. His assessment of the Hungarian Muslim communities is no less permissive. He thinks that these communities are embryonic, in terms of their numbers and their projects, and are far from engaging in a reflection on *sharia*. It is, therefore, a matter of quest for horizon, very limited in Hungary, which pushes Mihálffy to look to the wider European context.

Yet, aside from the negative image of *sharia* in European public opinions, European institutions are not particularly welcoming to *sharia*. For example, the European Court of Human Rights ruled that "*sharia* clearly diverges from the European Convention of Human Rights' values".[30] At best, some European countries recognise the role of *sharia* in family law (marriage and divorce in particular) contracted in the countries of origin or subject to arbitration in the host societies, and in recent times, Islamic finance. Thus, a Pakistani couple in England might be divorced in accordance with Pakistani (Muslim) family law.[31] This is the main role of the *sharia* councils in the UK which deal with family matters, and divorce in particular.[32]

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30 Berger 2013. 7.
31 Berger 2013. 10.
32 Rohe 2015. 11.

Mihálffy is aware that *sharia* has different interpretations adopted by the several Muslim schools of law (currently seven living schools are functioning in the Muslim world). As he puts it "the schools of law are untenable. They belong to historical Islam not to classical Islam. *Sharia* should be sought in the classical sources because the schools of law brought only friction to Islam".[33] He accuses the *muftis*, the legal scholars of Islam who operate in Europe of being scholastic, following their respective legal schools, without any ability to engage with European realities. We heard this same foundational discourse from Zoltán Sulok, the leader of the Organisation of Hungarian Muslims, the largest instance of Muslims in Hungary, as well. One recurrent difference between the discourse of Mihálffy on schools of law and that of the Organisation of Hungarian Muslims is that Mihálffy puts forward the Quran as the reference for rereading the *sharia* while the Organisation of Hungarian Muslims insists on the prophetic tradition as the reference in law (mainly because the Quran has very few legal instructions).[34] As a consequence of this difference, the Organisation of Hungarian Muslims promotes a more traditionalist Islam while Mihálffy endorses an ecumenical-liberal Islam, although the two discourses share a belief in the same sources of *sharia*. Another difference is that while both discourses believe *sharia* is flexible, the Organisation of Hungarian Muslims trusts the Muslim clerics. Mihálffy, in all our conversations with him, avoids any statement regarding the current legal Muslim authorities.

4. Accounting anthropologically for "ecumenical *sharia* for Europe"

Similar to other discourses, practices, claims and appropriations of *sharia* in Europe, Mihálffy's *sharia* project needs to be accounted for anthropologically to grasp its social and cultural meanings. A recent important discussion by Timothy P. Daniels paves the way to such understanding. Daniels suggests moving beyond the dichotomy of interpretive frameworks vs. discursive practice. The current debate in the anthropology of Islam opposes the constructivist narrative of interpretive frameworks which maintains that "the ideas, feelings, practices, interpretations, and discourses of Muslims are to be studied as *Islams* since there is no single real or essentialist Islam based in religious texts, Islamic history and the practices of exemplary individuals. These diverse kinds of Islam are produced in society, and embodied by individuals from various backgrounds"[35]. A second approach, championed by Talal Asad, claims that Islam is a discursive tradition that "includes and relates itself to the founding texts of the Quran and *hadith*. This heterogeneous tradition has a past that articulates with present conditions, practices and institutions and instructs Muslims of the purposes and proper performance of practices".[36] Daniels proposes a synthesis that views "Islamic texts as embo-

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33 Interview with Balázs Mihálffy.
34 Interview with Zoltán Sulok. conducted by the authors of the present article
35 Daniels 2017. 2.
36 Daniels 2017. 3.

died with knowledge from which particular Muslims and collectivities construct diverse mental representations".[37] This approach could do justice to the importance of religious texts for believers in Islam, which makes Muslims today specific among religious believers.[38]. As he puts it "recognizing that the Quran and hadith and related textual sources embody knowledge is especially relevant to the study of *sharia*, because Muslims, directly or indirectly, look to these sources as a basis for the understandings of divine directives. Second, Muslims drawing upon knowledge embedded in religious texts, form diverse mental representations, cultural models, and embodied practices, producing a variety of local Islams".[39]

Sharia claims are certainly mental representations of a traditional knowledge embedded with specific norms (absoluteness, universality, etc.) as they are, at the same time, local productions of particular contexts and social agents. There is, however, a third variable to be taken into account in understanding the relevance of *sharia* claims today: that of moral economy. The latter answers the question of "why", ignored by the two major narratives in the anthropology of Islam as well as by Daniels' synthesis. *Sharia* claims are a capital believed to make social miracles, for the community and for the elite that leads the way. These claims emerged in the Muslim world, within semi-urban populations frustrated by the failure of post-colonial "socialist" miracles, looking for a better life and a final miracle, turning to Islamist claims of *sharia* as the saviour.

In Asia (including the Gulf countries), this moral economy as described by Patricia Sloane-White promotes "a version of Islam that is increasingly conservative, financially and fiscally powerful, and committed to social control over Muslim and non-Muslim public and private lives.[40] In Europe, marginalized Muslim populations came to believe in the same project, hoping it could bring about a favourable change in their social conditions. It is no surprise that the two most visible, debated and researched aspects of *sharia* in Europe are family law (the basic unit of moral economy) and Islamic finance. Thus, Mihálffy could be right in that *sharia* claims are expected to stay, if not to thrive, as they are an "authentic" resource of empowerment for Muslims in Europe, although very few non-Muslims would be persuaded to join the *sharia* claims (unless they see some benefit in it).

Another anthropological account of *sharia* claims in Europe could be labelled the pluralistic account, widely spread and endorsed by many scholars of Islamic law, especially by John Bowen, one of the leading anthropologists of Islam today. Bowen considers the social basis of *sharia* claims to be "the broad middle group of Muslims who are moderately conservative in their religious orientation… a broad middle group or 'the community of the middle way".[41] He believes that in the British context, "being 'ruled by *shari'a*' has become a sort of symbolic good thing for some Muslims".[42] Bowen mobilizes two other notions to account for *sharia* cla-

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37 Daniels 2017. 3.
38 Daniels 2017. 4.
39 Daniels 2017. 4.
40 Sloane-white 2017. 192.
41 Bowen *et al.* 2013. 3.
42 Bowen *et al.* 2013. 7.

ims. First, he mobilizes the notion of public interest, *maṣlaḥa*. As he puts it "here is an example of a step that would work to the benefit of Muslims, and since Islam is here to do that, then we should consider this question of *maṣlaḥa*, or social welfare or social benefit, as we think about the various decisions. So it is central, and it is a notion that many Muslims, including those who have expertise in the traditional *fiqh*, the jurisprudential tradition, apply all the time, often in combination with reasoning that is within their particular legal school".[43]

Second, Bowen has recourse to the liberal notion of public reasoning, "looking at actors drawing on different traditions, trying to converge on a set of goals – and here we go back to my general pragmatist approach to these issues – and who are coming at them from different normative stances. They indeed refer to divergent sets of norms, it may be human rights, it may be the texts of Islam, it may be particular laws in particular countries, Christian ethics or something else."[44]

Our perspective of the moral economy, discussed above, resonates with Bowen's idea about *sharia* as a symbolic good for the British Muslims, and the reasons that led to setting up a solid social basis for it within the Muslim communities. Furthermore, Mihálffy would agree with Bowen's liberal public reasoning and the opportunity it provides to *sharia*-minded people to translate *sharia* terms and norms into a liberal legal discourse. It is the notion of *maṣlaḥa* which could be problematic, here. Mihálffy also uses this notion to render the meaning of public interest for all, not only for Muslims. It makes, however, no doubt for scholars of Islamic law that *maṣlaḥa* is understood by the majority of Muslim lawyers to be inherent to the law itself or consequent to it, and although it is a pragmatist notion, it does not mean that it directs law-making unless the traditions are silent over the matter at hand. This is an old debate, still unresolved in the Muslim world, between texts and interests, especially with regard to the eventual contradiction between the two, and the possible options Muslims could have. Most Muslim lawyers would answer definitively that the priority should be given to the texts. This is not the outcome one would expect in a liberal democracy.

A third narrative may be classified as a cautious postmodernist narrative suggested by Adam Possamai, a Belgian sociologist of religion. The latter advocates a "multi-faith pragmatic approach" to *sharia* in the West:

> "between a traditional modernist and universal view of the law and a postmodern and legal pluralist view: that of a pragmatic multiple modernist project, recognising formal agreements and recommendation for more accountability rather than for any formalised sub-legal institutions. This thesis of multiple modernities with regard to *sharia* and legal pluralism, progressed from simply admitting that religion is part of the public sphere, to now attempting to understand what this means and what we are to do with this new social reality".[45]

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43 Bowen *et al.* 2013. 5.
44 Bowen *et al.* 2013. 15.
45 Possamai 2015. 300-301.

Whereas a post-modern legal setting could be open to *sharia* claims, at least in specific matters, and within the scope of reasonable accommodations, the few voices of reformed *sharia* have not yet convinced the large sectors of Muslims to seriously engage with modernity. A recent article by the anthropologist Jonathan Benthall sees the solution for the problem of *sharia* in the West in "emulating Nineteenth Century Judaism in Europe. In the same vein Reform Judaism brought the modernist rabbis together around the ideas of acceptance of other religious perspectives, rejecting dietary restrictions and the idea of a Jewish nation in a favour of a religious community".[46] We could not avoid the comparison with Judaism as Mihálffy told us that so far the most enthusiastic reaction he had to his project came from eminent intellectuals in Israel. This reaction prompted him to pursue his rapprochement with the Jewish intellectuals, a perspective he did not think about while putting together his 2428-page Quran commentary. With this rapprochement, Mihálffy hopes to initiate a genuine ecumenism.

Conclusion

The purpose of the current paper was to determine the possibilities of ecumenism in the current Muslim landscape in Europe. The study has shown through the case of Balázs Mihálffy, a Hungarian Muslim intellectual, that a comprehensive reform project around a *sharia* claim can be both a resource for ecumenism as well as a limit to it. The research has also shown that a transnational life project with different religious platforms could sustain a claim of ecumenism. Overall, this study strengthens the idea that a reformed *sharia* necessitates a critical engagement with the sources of Islam, a considerable will to transgress the moral and social precincts of the so-called Muslim communities in Europe, as well as a preference for everyday Islam over traditionalist Islam. Mihálffy uses selected tools of Islamic law and Western legal and political philosophy to foster his project: Quran commentary, diversification of legal tools, liberal public reasoning, etc. The most important limitation lies in the fact that Mihálffy faces obstacles in creating a network and gaining the support of the current legal Muslim authorities working in Europe, the majority of whom are traditionalist. He admits that these authorities, whether Sunni or Shiite, care more about political interests of their countries of origin and their scholastic traditions than about reforming *sharia*. Another limitation is the incapacity of Muslim Hungarians, in terms of structure and discourse to offer him the opportunity to carry on his reform project. Finally, his *sharia*-embedded-as-law or law-embedded-as-*sharia* could be ambiguous for European legal experts, coming from a tradition with a corpus and logic radically different from those the Muslim legal tradition puts forward in its *sharia*-claims.

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46 Benthall 2015.

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